

A New Order of Business:

Recommendations
for the Organization and Operation
of the Texas House of Representatives

A Report to
The Speaker of the House,
The Steering Committee,
The Committee on House Administration
and the
Members of the House of Representatives
by



THE CITIZENS CONFERENCE ON STATE LEGISLATURES/SEPTEMBER 1973

This report, "A New Order of Business," is presented to the Speaker of the House, the Steering Committee, the Committee on House Administration, and the members of the House of Representatives of Texas by the Citizens Conference on State Legislatures, in accordance with a request made in H.S.R. No. 138, passed in the 63rd Session of the Texas Legislature, April 30, 1973, and is hereby respectfully transmitted.

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Speaker of the House of Representatives

Members of the Steering Committee

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The Honorable Anthony Hall, Vice Chairman

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Introduction

It is 9 p.m. The House has been in session almost continuously for the past 12 hours. Three members are conferring with a Senator in one corner of the chamber on a bill that may be brought up sometime tonight. Other members sit at their desks reading or trying to concentrate on the debate. News media people wander on and off the floor interviewing members about this or that issue. Around the Speaker's rostrum, eight or ten members are trying to get the Speaker's attention. Occasionally, members may leave the chamber to return calls or attend a special committee hearing. Members debating bills face each other across the floor, using one of the two microphones available for that purpose.

It is the 137th day of the session. The members are restless, tired, short-tempered. Many have worked without a break for the past four or five weeks, trying to get their bills in final shape to be passed.

Within the next three days, the House still must debate and vote on more than 200 bills, or those measures will be dead for at least the next 18 to 20 months.

The measures before the 150 members of the House for this session have encompassed some of the most vital domestic policy questions in the

1970's — adoption of the state's \$10 billion biennial budget, education finance, the administration of justice, tax law, the demands of urban areas, the needs of rural communities, transportation, the environment.

With little or no trained professional staff assistance, members are compelled to read, gauge the impact of, analyze the language of, and consider the policy alternatives to more than 1,700 bills.

It is frustrating to work under these conditions, a frustration the legislators feel from the first day the session begins. As the deadline for end of session comes closer, the normal tensions of trying to resolve political differences to pass bills heighten. The problems and difficulties of serving in the House grow.



In 1973, the Texas House of Representatives embarked upon an effort to identify ways and means to strengthen its ability to function as the representative, policy-making institution in state government. The House became concerned with improving its overall capacities and providing itself with the resources and procedural changes necessary to its orderly and effective operation. The House

also wanted to investigate the structural revisions and develop the information it would need to serve, with the Senate, as a Constitutional Convention in 1974.

In the past 6 to 12 months, important changes have been instituted in the House which will be of long-lasting benefit to the operations of Texas state government. Procedures have been adopted to enable members to make better use of their time and resources and to open legislative activities to the public. Legislation to control conflict-of-interest matters and to regulate lobbyist behavior has been passed.

This report cites some of the improvements made during the 63rd Session. Others are not referred to specifically, but mention should be made that the efforts at defining committee jurisdiction, improving committee scheduling and staffing and making bill calendaring more a matter of routine, are excellent first steps to overall legislative improvement.

To gain a comprehensive picture of House operations, the Citizens Conference on State Legislatures (CCSL) staff devoted more than 40 working days in Austin interviewing legislators, staff members, news media personnel and others concerned with the House, and observing the Legislature in action. The work includes four major components. The first is the baseline study, in which detailed data on the actual laws, and rules and procedures of the House were collected.

Second, the attitudes of the membership were surveyed with reference to general operations and specific legislative needs. One-third of the members were interviewed — a representative sampling according to sex, experience by number of terms, ethnic background, occupation and leadership position. The information collected in the attitude survey is used throughout the report to indicate the degree of support for or concern about areas covered in the recommendations.

The third segment of the project is a special

study on bill-flow and electronic data processing (EDP) equipment utilization.

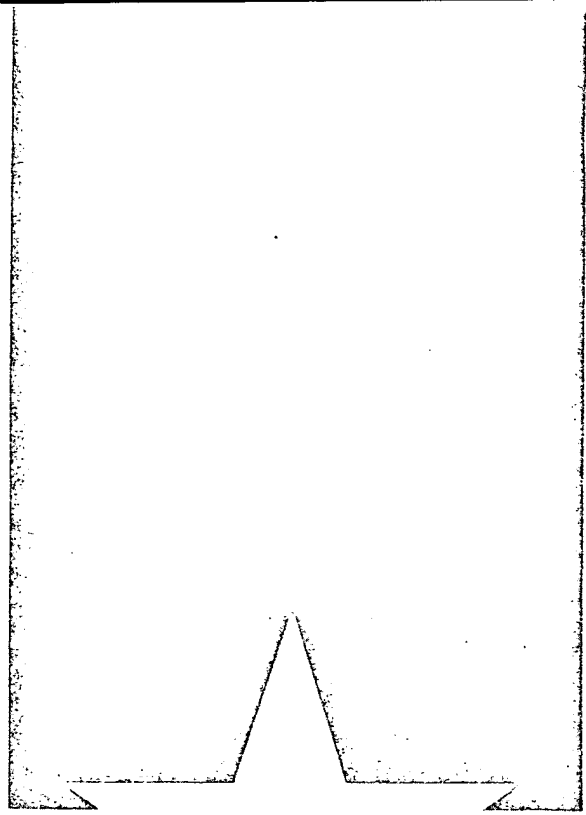
Finally, the information collected was compiled, correlated and reviewed to determine its impact on the Legislature's independence, information-gathering capacities and other elements of an effective state legislature.

The techniques used in this analysis have been developed by the CCSL over the past eight years. CCSL is a non-partisan, not-for-profit organization with knowledge of state legislatures and their needs. It works with legislators, civic groups, the news media and others concerned with the design and implementation of legislative improvements. In 1969, CCSL conducted a survey in all 50 states to collect information about the legislatures. This Legislative Evaluation Study (LES), produced recommendations for legislative improvement which are designed to be applied to the unique characteristics of each state's legislature to produce workable programs tailored to each state's needs.

The LES established a research and development pattern that has since been refined through contact and work within state legislatures throughout the country. These techniques have been applied to the collection and analysis of information in Texas for the purpose of framing the recommendations presented in this report.

The work already done by the Texas House to strengthen its operations is impressive. If the changes instituted in the past year had been in effect when the LES was conducted in 1969, Texas' Legislature would certainly have stood higher in the overall ranking of legislatures that was a part of that report.

The House should be commended for recognizing that the process of legislative improvement is continuous, and that no single set of recommendations or proposals for changes provides the final statement of what must be done to make a legislature a viable force in state government. The CCSL presents this report as one more step to assist in that continuing process.



I / The Need and the Response

The state legislature occupies a crucial position in the American system of government. It is the institution at the state level which best combines the functions of representation, deliberation and problem resolution.

It is the watchdog over state expenditures, a check against potential errors and abuses in the activities of the other branches of state government. The strength or weakness of the state legislature measures the ability of the state government to respond to the needs and demands of the people. The legislature provides the point of access for the public in the decision-making process. If it cannot operate effectively, then the public is not represented in and will not support those decisions.

When the legislature is strong, state government becomes more capable of exercising control over domestic policy decisions. As the states become more responsive to the needs of their constituents, there is less demand for sweeping policies from the national government — policies that cannot take into account individual state needs and characteristics.

The American federal system is based on a diffusion of powers between states and the national government. A state legislature that is hamstrung by inadequate facilities, resources,

time, and rules and procedures cannot play its proper role in this system of shared powers. The men and women called upon to act as a group, in a legislative environment, to make policy decisions must have specific safeguards and resources to assist them in making those decisions. They need time in which to deliberate; rules and procedures which allow for all points of view to be heard; sources of information independent of those who are from outside the legislature and have a special interest in the outcome of the debate; freedom, as much as possible, from outside financial concerns that inhibit their ability to pay full attention to their responsibilities, and a system that demands that they be accountable for their actions to the public by whom they have been vested with decision-making authority.

The recommendations contained in this report are based on the assumption that a legislature, to be effective, must be independent. It must have its own sources of information and the time and other supportive resources to enable it to use that information. It must be open, with rules and procedures that keep it accountable to the public and enable it to command the respect of the public.

There are many routes that can be taken to

develop an effective, independent, informed, open and accountable state legislature. As the attitude survey showed, such questions as constitutional authorization for total legislative control of its own time, unlimited sessions, legislative ability to call itself into special session, and specific kinds of staffing and personnel policies produce a variety of responses from among the legislators themselves.

Many of the limitations and restrictions on legislative behavior to which the report is addressed exist because of earlier legislative behaviors to which the general public took exception. Many of the traditions and rules under which the Texas Legislature operates are the result of long-standing practices and experiences that have led legislators and the general public to believe that they present a rational approach to the process.

Many more of these limitations and rules, however, are based on the needs of an earlier and less demanding time in Texas history, when the problems dealt with by the Legislature were less complex, and the safeguards now possible because of modern technology and communications systems did not exist.

Based on the CCSL's years of experience in non-partisan research and development programs for legislatures in many states, the information collected in this study indicates reasons for removal of many of these limitations and for changes in established rules and procedures. This report discusses those reasons and suggests some ways to improve current conditions.

Chapter II of the report deals with one of the largest problems confronting the Texas House in achieving independence: the availability of time and legislative control over its use and general management.

Chapters III through VI present suggestions relating to the on-going processes within the

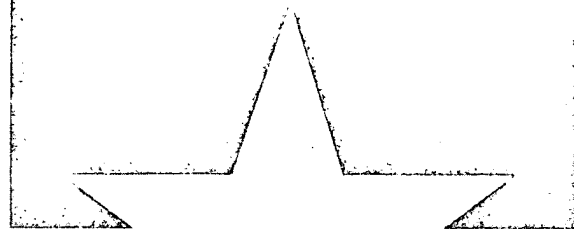
House. These chapters outline the rules, procedures, resources and facilities that are necessary to the orderly and informed conduct of business.

Chapter VII discusses how the House can help build public faith in and respect for the Legislature as an institution.

Finally, in Chapter VIII, the report focuses on the 1974 Constitutional Convention, discussing first how a legislature transforms itself into a convention, and second, how the recommendations in the report relate to constitutional revision.

The decision of the Texas electorate to have a comprehensive review of the State Constitution provides the House with excellent opportunities for improvement. Several of the changes suggested here require constitutional amendment. Many, however, can be implemented without reference to the outcome of the Constitutional Convention. The House will have to determine for itself which recommendations are feasible and acceptable and develop for itself a plan which establishes priorities and insures that each recommendation has the proper groundwork laid for its implementation.

The recommendations made here are designed to assist the House in making the most of its present opportunities. With time, patience, and persistence the House can consider the report, determine its course of action and take the necessary steps to build itself into a stronger and more effective body.



II / The Overall Time Frame

Nowhere in the country has it been suggested that state governors should actually function as governors for only 140 days of the term to which they are elected. Nor would the public feel itself well served if the courts were to remain in session only for the first two or three months of every year. The needs and demands made by the people on their government continue regardless of the calendar. The state legislature, which shares equal responsibility with the executive and the judiciary for meeting those needs, should also be able to act regardless of the calendar. Arbitrary limits on the scheduling or duration of legislative sessions prevent the legislature from functioning as it should to protect the interests of the people of the state.

In Texas, the Legislature is constitutionally limited to one biennial meeting lasting 140 days. Within that period, the Legislature must consider and adopt the state's \$10 billion biennial budget and make decisions concerning literally thousands of issues of importance to the people. For the remaining 18 months of the year, the vast bulk of governmental activity in the state is in the unchecked hands of the state agencies. The men and women who represent the various legislative

districts have no method of acting as a group during that period on behalf of the people in those districts.

Recommendation No. 1

The Constitution of the State of Texas should be amended to authorize the Legislature to meet in annual session.

The first step in enabling the Legislature to perform its role adequately as a lawmaking body is the establishment of annual sessions. Public policy problems occur more than once every two years, and the Legislature must be able to meet more than once every two years to resolve those problems.

Over the past 13 years, the number of states with annual legislative sessions has doubled, from 20 in 1960 to 40 in 1973. Although the patterns of time usage in these 40 states differ, in each state a decision was made that the legislature is necessary every year. Also, of the nation's ten largest states, which dominate and lead the country in size, population, income and other socio-economic factors, only Texas does not have annual legislative sessions.

Recommendation No. 2

The length of time the Legislature remains in session should not be specified in the Constitution nor should the issues it may consider be so specified.

A provision for annual sessions is the first step in establishing legislative independence to deal with state issues, but constitutional provisions limiting the length of time the Legislature may remain in session also threaten that independence. Constitutional limits on session length have their roots in the conditions of the 19th Century. They were a response to the fear, generated by lack of communication and contact with the State Capitol, that a legislature in unlimited session is unpredictable, uncontrollable and dangerous to the public welfare. The most famous statement of this attitude was expressed by a New York judge who, in 1866, noted that "no man's life, liberty or property are safe while the legislature is in session."

Modern technology permits close scrutiny in person or through the news media of legislative activities and removes any justification for limits on the time in which those activities may be conducted. The demands placed on the Texas Legislature, the issues it must consider, are too complex for arbitrary, inflexible time and subject limitations to be written into the State Constitution. What a relatively homogeneous population living predominately in rural areas might have needed 100 years ago was far easier to deal with in a limited time than are the problems of today's large and heterogeneous population.

Long standing traditions and practices are difficult to alter in one sweeping movement. Although unlimited annual sessions are important to the Legislature's ability to con-

sider all aspects of the policy decisions it must make, the practical problems of removing all time restrictions in the Constitution cannot be ignored.

Unlimited sessions, while desirable, may not be acceptable. The House may wish to consider some alternate steps. First, the Constitution could establish the limit in terms of legislative days (the days the House actually meets in plenary session) rather than calendar days. Legislative day limitations would enable the House to exert some control over how days-in-session can be allocated over the biennium, and the House would have a degree of autonomy and an ability to control, to some extent, its own destiny and that of the policies and measures it must consider.

Second, there are many alternative time schedules that can be employed to assist in more thorough, less pressured consideration of policies. Chapter III outlines one such approach.

Third, if there are to be any limitations on subject matter considered in the second annual session of the biennium, the Constitution could follow a pattern in which the Legislature considers, in the second session, budgetary and fiscal matters, reports of interim committees or any other issue raised on an emergency basis by action of the two presiding officers of the House and Senate.

The recommendations that follow in this and succeeding chapters are formed primarily within the context of annual, unlimited sessions. Many of the recommendations, including those related to compensation, bill flow, rules and procedures, constituency relationships, staffing, EDP equipment and facilities, also have been considered and are equally valid for an annual, limited session structure. The ideal is that the House be able to control its own time and agenda. If

limits are placed on either of these, the House nevertheless should have enough leeway to function independently within those limits.

Recommendation No. 3

The House should be organized and its committees established for the full length of the biennium.

The current practice of the House is to elect its Speaker and organize its committees at the beginning of the biennium and retain that organization throughout the biennium.

If the House meets in annual session, the present system of biennial organization should still be retained. Over the two-year period, the committees can continue to function with the same membership, allowing for continuity in policy and for the development of expertise among members. Biennial organization also avoids expending additional time at the beginning of the second year (assuming annual sessions) for reorganization, enabling the House to begin immediately to consider legislation.

Recommendation No. 4

The State Constitution should authorize the Legislature to call itself into special session by majority vote of both houses.

The Legislature must be able to devote itself to developing and considering programs and policies throughout the biennium. Even after adjournment, some provision must be made to enable the Legislature to reconvene for emergency action.

Every state authorizes its governor to call the legislature into special session when extraordinary situations arise which demand immediate legislative action. As the individual

charged with responsibility for the full-time administration of state government, the governor should have this authority. Limiting the power only to the governor, however, places undue control of the legislature in the executive branch. As an equal, independent partner in state government, the legislature should have the right to meet when its members believe there is a need. Also, there may be times when the governor, because of personal political interests, is not willing to call the legislature into session although a majority of its members believe the interests of the people demand it.

The authority of the legislature to call itself into special session has rarely been exercised in those states where it exists. The existence of that power, however, has served to make the governor far more willing to issue "the call" when it is necessary. Whether or not a legislature is limited in session length, this power is essential to its ability to function effectively. It becomes especially important when session limitations exist.

Recommendation No. 5

The Legislature should be authorized to expand the subject matter to be considered in a special session by majority vote.

Legislative ability to call itself into special session logically extends to the subject matter to be considered in that session. Again, the Legislature, as an equal, independent arm of state government with elected representatives directly responsible to the public, should have the power to determine what issues it will consider, whether or not they are the issues specified in a gubernatorial "call."

Recommendation No. 6

The Constitution should provide for an automatic veto session to occur 30 days

after regular session adjournment unless a majority of the House and Senate vote not to meet.

Legislative authority to review gubernatorial vetoes is basic to legislative independence. If the Governor vetoes a bill after the session ends or so close to adjournment that the Legislature does not have an opportunity to review the veto, the Legislature should still be able to exercise the review authority. The veto session might be limited to no more than three legislative working days, with legislative authority to extend that time as needed.

Recommendation No. 7

The members of the Texas House and Senate should receive a salary of \$15,000 to \$20,000 per year. The actual and necessary expenses of serving in the Legislature should be reimbursed on a vouchered basis.

If legislators are to assume their full responsibilities as equal partners in the governing of the state and commit large amounts of time fulfilling those responsibilities, they should receive adequate compensation for that time (one consideration being that the position is contingent on election results), and they should receive reimbursement for the expenses directly related to the performance of the job.

The Texas public must realize that state legislators' decisions have an impact on the lives of all the 11 million people in the state. Legislators must spend much time and effort learning about the state's problems — exploring their relationship to the total needs of the state and developing expertise in the issues and in the ways and means to arrive at their adjustment and management.

The talents, time and energies necessary to

the proper exercise of legislative responsibilities should be well compensated. The \$4,800 per year salary paid Texas legislators is not enough. The public should be made aware of the full extent of the demands of serving in the Legislature and should be willing to pay an appropriate salary for that service.

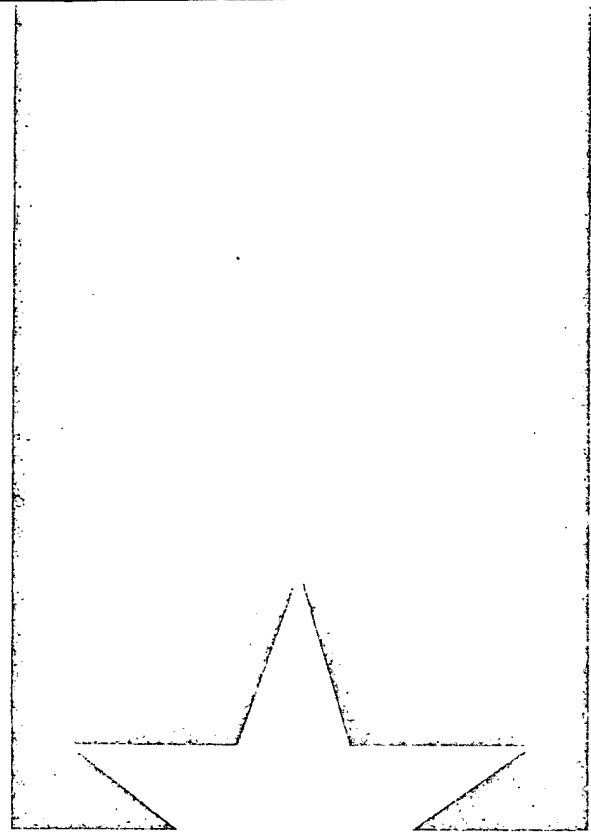
Recommendation No. 8

Legislative salaries should be set by statute. Constitutional provisions should prohibit the Legislature from increasing or lowering compensation for any incumbent public official during the immediate term of office.

Few Americans are unaware of the need for flexible pay scales to meet changing economic conditions. In Texas, however, the pay for state legislators is set in the Constitution, the practical equivalent of being set in concrete.

One of the reasons for constitutionally established pay levels is a public concern that legislators may be unable to deal impartially with the question of their own compensation. The Texas Legislature is responsible to the public for the allocation of over \$5 billion a year within state government. It is illogical to say that the same Legislature which exercises authority over such a massive budget and the tax dollars it represents cannot be trusted to set its own salaries. As with other legislative decisions, the decision on salaries will be accepted by the public if the Legislature demonstrates that it is justified.

Another method is to have salaries recommended by a compensation commission made up of non-legislators. The commission's recommendation would establish the compensation unless the Legislature set it at a lower amount.



III / The Legislative Process

The Beginning of the Session

With or without limits on session length, policy development, oversight and the other activities of the House will keep members on a tight time schedule from the day of their election until the day they leave office.

In the Texas House, as in many other legislatures, members take their seats in January following the election. After the session convenes, precious weeks are spent in organizational activities not directly related to policy consideration. Committee hearings do not usually begin until the second or third week of the session, and floor debate on bills typically does not begin until well into the session.

A January convening date is not especially necessary or sacred. State problems and the need for their resolution do not conform to a tightly organized schedule, nor should legislators feel bound by traditions based on the problems of an earlier era. A hundred, or even 50 years ago, a two-month gap between elections and organizing the House might have been necessary or desirable. Communications and transportation difficulties demanded that time be used to finish tallying votes, certify elections and for individual members to arrange for the long trip to the State Capitol. These

problems no longer exist, and the justification for waiting to organize the House has disappeared.

Recommendation No. 9

Members' terms of office should begin approximately two to three weeks after the general election. The House should convene at that time for a general organizational session to include a procedures and policy conference, the election of House leadership, the adoption of House rules, the establishment of committees, the introduction and referral of bills and the establishment of a committee meeting schedule for use until the session reconvenes.

Members can be sworn into office within two or three weeks after election. This could occur at an official, pre-session organization session convened for the purpose of swearing in the new members of the House, electing its Speaker, assigning committees, allowing for the immediate and on-going introduction of bills, referring those bills to committee and setting up a committee hearing and meeting schedule for the period between the end of the organization session and the reconvening of the House

in regular session.

The organization session and an accompanying orientation conference can run from one and a half to two weeks, depending upon the scope of its activities. The House would then recess until March or April. This would allow legislative committees to begin immediate hearings — giving them more leeway to consider policy proposals in some depth before the press of other session duties begins to interfere.

The House desk would open for introduction and referral of bills when the organizational session convenes and remain open during the entire period of the recess. The Speaker would be available during the recess to supervise bill referral. Since the House would officially be in operation, although not in session, members engaged in committee activity would be eligible for compensation. The entire administrative and staffing apparatus of the House should also be available throughout this period.

The early organizational session should be used also for comprehensive orientation programs on the operations and procedures of the House and on the major policy issues that may be considered in the first year of the biennium.

The results of the attitude survey show that a pre-session orientation conference is already accepted in Texas as a logical means of introducing new legislators to the legislative process. It can be much more than that. It can be a training ground for legislators and staff on the best ways to use the resources and facilities available. It can be a tool to assist all legislators, new and returning, to develop a stronger sense of the broader roles and capacities of the Legislature as an institution. Finally, it can be used by members to learn more about major policy issues.

Pre-session orientation could be worked into the scheduling of the organization session in a number of ways. After the Speaker is elected and

the committees appointed, two or three days could be spent on procedures, rules and institutional orientation. The next two or three days could then be devoted to workshops on policy issues. Since House members would know their committee assignments, they would be able to select specific seminars relating to their work during the coming biennium.

After the workshops, the House would recess to reconvene in regular session within a few months. The date for reconvening could be at the discretion of the Legislature and should depend on the House's perception of its own work load and capabilities. If the committee work load appears heavy because of a large number of bills introduced over the period of the pre-session activity, the House might decide not to reconvene, unless an emergency arises, until March or even April.

This would give the committees two or perhaps three months of time unhampered by scheduling conflicts with floor debate. A lighter work load might dictate an earlier date for reconvening.

Because of the scarcity of time, it is advantageous to have as many bills introduced early in the session as possible — during the pre-session organization and in the two or three months that follow it. This enables the House to devote more actual days to legislative activities. House members presently understand the advantages of being permitted to prefile, introduce and refer bills to committee before the regular session begins, as evidenced by the 90 per cent of those interviewed during the attitude survey who felt this activity to be "very" or "somewhat" necessary.

Pre-session orientation conferences cannot do the whole job of providing members with all the information and background they need. At best, they serve as an introduction to a program of education which continues throughout the bi-

ennium. This introduction can be followed up by a number of continuing education activities to acquaint members further with the potentials of the legislative institution and the complexities of the policies they must consider. These activities can include additional workshops coordinated with committee meetings and hearings during the session and the interim; tours of state institutions; a guest lecturer series during the session open to members, staff, news media representatives and the public, and similar programs. During the interim, the House might also conduct a supplemental policy conference.

Early organization is an important factor in maximizing the time available to the House during the biennium, but it is not the only method available to assist the House in better management of its time. Bill introduction, referral and passage deadlines, a revised committee structure and other recommendations included in this report also are designed to alleviate the time utilization problems now facing the House. (See Recommendations No. 24-28, "Bill Deadlines," pp. 18-19; No. 32-37, pp. 21-22, and Chapter IV, "Committees," pp. 25-31.)

The Rules of the House

One of the first items of business in the biennium is the adoption of the House Rules. These provide the guidelines for floor procedures, committee structure, bill deadlines and the other components of an orderly legislative process.

A member of the Texas House who wants to understand the Rules so he or she may operate within them faces a difficult task. In spite of recent, and largely successful, efforts to improve them, in Texas (as in many other legislatures) the Rules are lengthy and complex. This is because they were developed over a long period of time with amendments and additions in response to specific situations, rather than through a periodic comprehensive review.

Recommendation No. 10

The House should completely rewrite its Rules and concurrently prepare and adopt a Procedures Manual.

Knowledge of the Rules is essential to all members, and simple, easy-to-understand Rules are vital to the orderly conduct of business in the House. When the Rules are clear, the House need not spend time in lengthy debate over procedural matters. Once the Rules are adopted, they stand as the final arbiter of procedural decisions, unless they are suspended by the members for a specific reason.

A comprehensive one-time overhaul of the House Rules will make it possible to organize them in a more logical sequence and to eliminate duplication, overlapping and inconsistency. A complete rewrite of the House Rules is beyond the scope of this report, because it would require a detailed analysis of every section now included in the Rules. Some members of the Citizens Conference staff have experience in building legislative rules, and this, coupled with the CCSL's familiarity with the Texas House operations, may be advantageous if the decision is made to enter a rewriting program.

Many of the details now included in the House Rules relate more to the mechanics of process than to its substance. These details would be more appropriately placed in a Procedures Manual.

The Procedures Manual is an explanation, in narrative form, of how the House operates. It explains the motions used in parliamentary procedure as authorized in the House and the committee rules. It may give examples of situations in which certain motions may be made and explanations of why a motion in order at one time may be out of order at another time. The manual can describe any special procedures or vote requirements and explain their meaning and purpose. It defines

the duties of House employees and describes House personnel policies. It contains instructions for members and staff on the preparation and introduction of bills and suggestions as to how facilities, equipment and personnel might best be used.

Recommendation No. 11

The House Rules should be printed and include cross-references to the Procedures Manual, the Senate and Joint Rules and the officially designated back-up manual to the House Rules for parliamentary decisions.

Several states have found it extremely useful to include in the Rules cross-indexing to the other official guides to House operations. For new members and veterans, this procedure enables immediate reference to relevant rules, regulations and procedures and can eliminate the loss of time on the floor which frequently occurs when members do not understand the process.

Recommendation No. 12

The Procedures Manual should be adopted by name within the House Rules and should be amendable by action of the Rules Committee.

The Rules themselves, as the basic policy concerning House operations, can and should be established and amended only by action of the House as a whole. The Procedures Manual, however, deals with how the Rules are implemented. As such, its content logically falls within the purview of the House Rules Committee, whose responsibility it is to administer the Rules. The Rules should authorize the Rules Committee to amend the Procedures Manual when necessary. This becomes particularly important when problems arise during the interim which require different methods of conducting the House's business.

The Legislative Council

Upon election, members can begin to work with the legislative bill drafting, legal and research services to prepare legislation for introduction immediately upon taking office. In the Texas House, the Legislative Council provides the staff assistance necessary to draft bills, prepare analyses, conduct code and other types of research and enter all bills drafted into the EDP system. The Legislative Council staff also serves as the Legislature's legal counsel.

Recommendation No. 13

The Legislative Council should be examined and analyzed in terms of the types of services it must provide to the House to determine how much and what kind of professional staff complement it must have to handle the work load of the Legislature. Either formally or informally, general research assignments should be given to non-legal professional staff in the office, while legal staff should be used to provide the full range of legal services to the Legislature. The Council staff's duties as legislative legal counsel should be emphasized so members are aware of the range of services available to them in this area.

Proper performance of bill drafting, analysis, research and legal activities is essential to the orderly and informed conduct of business within the House. According to the members surveyed, the Legislative Council is performing its job well. Sixty-four per cent of those interviewed, however, seemed to feel that the Council needs additional staffing to enable it to handle the full range of demands made upon its resources. It appears, then, that the Council needs some assistance in insuring that its resources are equal to its work load. The assistance may not be necessarily in the form of additional numbers

of staff.

In general, the activities of the Council staff divide into three distinct areas: general research — the development of data on specific policy issues; legal research — the gathering of information on codes and the preparation of analyses regarding the legal impact of specific actions; and EDP system operations.

The work of the general research staff can be assigned to trained professionals who are not necessarily attorneys. In those cases where the research includes detailed code analysis, an attorney would be useful, but the general research request does not demand specialized legal skills. Instead, it requires standard data collection and analysis techniques used in the production of reports and recommendations for any group or organization.

More technical and complex activities — such as code research, bill drafting, verification of the accuracy of statutory and constitutional references in prepared legislation, preparation and verification of repealing clauses in measures to eliminate use of general repealers and review of bills to note duplications — should be done by attorneys.

The Legislative Council is the House's lawyer. Members should be able to consider legal opinions obtained from the Council concerning the constitutionality or legality of specific legislative proposals as having the same force and influence as the opinions given to clients by their personal attorneys, or as Attorney General's opinions now have.

Legislative Council attorneys also can be directed to look for potential conflicts between measures amending different sections of the same statute so that members can be warned of the problem and determine how they want it resolved. For example, when a legislator introduces a measure amending line 1 of a given

section of an act and another member introduces a bill amending line 2, the two measures may not conflict in policy intent. If they are not amended to conform with each other prior to passage, however, the measure that is passed last may automatically repeal the amendment in the first measure. Legislative Council attorneys can provide the staff work to prevent this from happening.

As the Legislative Council works to meet the demands of the whole Legislature, it should consider the kinds of professional staff it needs in terms of this division between general research, bill drafting and legal work and data processing.

Recommendation No. 14

All requests for bills and research to the Legislative Council must be made by individual legislators in writing or in person, or by legislative committees. No information collected or bills drafted by any member of the Legislative Council staff should be available to anyone but the legislator or legislative committee making the request without specific authorization from that legislator or legislative committee.

The legislative process begins with an individual legislator, acting for himself or on behalf of a legislative committee, requesting the bill drafting service to prepare a measure. The specific language of the bill may already have been determined by the legislator, or the request may simply take the form of "draft a bill to accomplish such and such." The request immediately puts legislator and bill drafting service staff in an attorney-client relationship. If the staff person discusses the legislator's request with others, it would be a breach of confidence and, thus, could constitute unethical behavior. In any case, it would create a condition whereby some members may become reluctant to use this service. The Texas Legislative

Council already conforms to the practice of confidentiality and should continue to maintain its high standards in this area.

It is essential for both the legislator and the staff to remember that it is the *legislator's* bill and must be prepared precisely according to the *legislator's* instructions. The staff member has no authority to change the intent of the bill. Staff duties are to set out the thoughts expressed by the House member in clear language and proper bill form and to warn of any potential legal hazards that might exist. Again, the Legislative Council staff appears to be fully aware of its responsibility in this area and should be encouraged in this behavior.

The staff of the Legislative Council is a tool of the Legislature and should be structured to serve its needs. It is hired to serve the Legislature directly. Under the present system, the Council is authorized to consider and act upon requests for studies from both legislators and outside groups. From a practical point of view, considering the magnitude of House responsibilities and its work load, the Council staff should not deal with requests in addition to those from House and Senate members. From the point of view of the need for House autonomy, the Council should be fully equipped to deal with legislative demands, but should not handle research requests from private citizens or other state or local agencies.

Electronic Data Processing

Computers are one of the most widely used, and misused, products of modern technology. Few people really understand what a computer is, what it can do and what it cannot do. Computer technology, surrounded as it has been by a highly specialized vocabulary, has become one of the great mysteries of the 20th century. The attitudes of most individuals vary from believing the computer can do anything to being suspicious of anything the computer can do.

These attitudes are understandable but foolish. There is no need to be an expert to be able to appreciate the limitations and the potential of computers. There are two major factors to keep in mind.

First, the computer is an invaluable *servant*. The legislative process is not subservient to it. Instead, the computer is a tool made desirable by the demands of the legislative process.

Second, the computer will do only what it is told to do. Instructions are given to it in the form of a program, which outlines how the computer should handle the data fed into it. The machine cannot do anything it is not programmed to do. It can do a remarkable number of things when properly programmed.

The Texas House has a computer system not now fully utilized which can be of great assistance to the legislative process and increase the speed and accuracy of reporting and record-keeping.

Electronic data processing equipment is expensive and should be used as fully as possible. On the pages which follow, a means of expanding the present use of this equipment is described. It should be kept in mind that, while this description is broken down into specific recommendations directed to the steps in the legislative process, maximum benefits can be achieved only if the computer system is used from the beginning of the bill drafting stage through the production of statutes and journals.

Recommendation No. 15

House Rules should require that all bills be drafted by the Legislative Council legal staff and placed in the computer prior to introduction. The rules of the House should prohibit the Chief Clerk from accepting any bill for introduction unless it is certified by the computerized bill drafting service as having been properly prepared. No changes

should be permitted on a computer-drafted bill prior to introduction unless the changes are put into the system.

House Rules now permit legislators to introduce bills prepared outside the central bill-drafting service office. Those bills are not placed in the computer system until they reach second reading. Thus, the first steps in their history are irretrievably lost to the computer system. Most of the bills introduced in the House come out of the Legislative Council's office. For those bills that do not, the House cannot have the assurance of its own attorneys that the bills are in proper legal form on introduction. The result may be an unnecessary expenditure of time and energy to correct errors later in the process.

Maximum utilization of the ALTER (Automated Legal Text Entry and Retrieval) computer program now available to the House demands that the material considered by the House be the same as that fed into the computer system. The House will not receive the full benefit of its investment in staff and equipment unless this process is followed.

The first step at which the computer equipment plays a part occurs when the legislator requests preparation of a bill. The bill drafting service staff drafts the bill, puts the draft into the computer system through a terminal and assigns it a code access number. The system then prints the drafted bill in the proper format.

The printed bill is returned to the legislator for review. The legislator may either accept the bill or return it to the bill drafting service for additional changes. As each change is made, it is fed into the computerized text processing system. This process continues until the bill is in a form satisfactory to the legislator. The final draft and certification by the drafting office that the bill is properly entered in the system are given to the legislator, who then files the

bill with the Chief Clerk of the House for introduction.

This process eliminates the need for re-proofing the bill once it has been drafted and proofed the first time. When the proofed bill is placed in the system, the program automatically instructs the computer to retain the text exactly as entered until it receives specific instructions to delete, alter or relocate the language in the bill. Amendments to the bill at any stage will be proofed when prepared and entered into the system by the Council staff, after which they do not need to be proofed again.

Recommendation No. 16

The statutes of the State of Texas should be put in a form to make them easily and immediately accessible to the computerized bill drafting service.

The bill drafting service should have the capability of automatically reproducing the text of existing statutes. This would save much typing and proofreading by terminal operators because they could, by typing a few code keys, bring on to the terminal any sections of the statutes they wish to work with. The statutes would have been proofed when they were put in the computer, and only new language would require typing and proofreading.

Texas has its statutes stored on a computer but that program is not now accessible by the bill drafting terminals. This lack of accessibility requires terminal operators typing bills amending existing law to manually type the law as well as the amendments. This should be corrected by modifying the computerized statute data base program or employing some other means to make the statutes accessible by the bill drafting service. If this can be done by legislative staff personnel, it should be scheduled during the interim when the pressures of the session do not exist.

The Texas statutes have not been compiled or revised for many years, and (as recommended in the First Interim Report of this project dated May 25, 1973, page 8) such a revision is necessary for a variety of reasons. One of these reasons is the frequent use of general repealer clauses in bills which do not repeal specific statutory sections but simply read, "all laws or parts of laws in conflict herewith are hereby repealed."

The ability of the bill drafting office terminals to have access to the computerized statute data base would greatly simplify a program of updating the statutes. Such a program would include the removal from the compilation of those laws which have been repealed over the years.

Recommendation No. 17

The Chief Clerk should be responsible for the bill referral procedure to guarantee that the computer system receives all pertinent information concerning the bill, including bill number, date of introduction and committee to which it is referred.

Recommendation No. 18

Upon introduction, bills should be printed in sufficient quantity to be distributed to each member of the House and to interested members of the public.

When a bill is introduced, the Chief Clerk assigns it a number in the order in which it is received at the desk. This number is different from the computer access number and remains with the bill throughout the process.

The bill is then assigned to committee. The mechanics of bill assignment can be handled by the Chief Clerk (guided by the committee jurisdictions outlined in the Rules), but the ultimate responsibility for committee referral rests with the Speaker. The actual work of delivering

the bill to the committee and supplying that information to the computer is performed by the Chief Clerk. At the same time, the Clerk can enter other pertinent information concerning the bill and then send the bill to the printer.

A good rule to follow in printing the bill is to provide at least twice as many copies as there are House members — 300 copies. This will give each member one copy and allow for interested members of the Senate, the news media and the general public to obtain copies on request without overtaxing the capabilities or resources of the print shop. For extraordinary situations, such as a measure of tremendous statewide importance or salience, the House can authorize additional copies to be printed.

Recommendation No. 19

The committee should submit a full report to the House indicating its recommendations (do pass, do not pass, or amend) and containing information sufficient to permit all members of the House to know how the committee treated the bill. That report should be supplied to the computer for later reference in the Journal and for the bill history.

The committee serves as the operating agency of the House, but is not the final decision-maker on legislative policy. If the committee system is strong and effective, few committee amendments and recommendations will be rejected. It is, however, the House's responsibility to make this decision. When a Committee reports out a bill, the House should be given an opportunity to review the report in full before voting on the bill.

The committee report should include:

1. The date the bill was referred to the committee.
2. The dates the bill was received, set for hearing, heard and voted on by the committee.

3. The names of committee members present and absent at the hearing on the bill.

4. The text and location by page and line number of all recommended committee amendments, including the full language of proposed deletions as well as of proposed additions.

5. Explanations of committee decisions to recommend amendments, including an analysis of the impact of the recommended amendments on the original bill and the impact of the bill as amended.

6. Listing by name of aye and no votes on all amendments and on the final committee vote on the bill.

7. Summaries of all amendments proposed to and rejected by the committee with explanations of the committee's decisions.

8. The date the committee report was prepared.

9. The date the committee report was filed with the Chief Clerk. The report will provide each member of the House with enough information on the committee actions to determine the validity of the committee recommendations.

Recommendation No. 20

All amendments to be considered during floor debate must be drafted, supplied to the computer, printed and made available to all members at least 24 hours prior to floor action on them. Amendments of fewer than 25 words arising out of floor debate can be given immediate consideration. In that case the author of the amendment submits a form to the Clerk containing a draft of the amendment for immediate input into the computer.

Members who wish to propose amendments to a bill on second or third reading can have them drafted in the service office, which then supplies them to the computer system, orders

them duplicated and distributes them to all members.

The 24-hour rule allows enough time for printing and distribution and also enables legislative committee staff to prepare summaries describing the substantive impact of the amendments. Members can then debate the various amendments and determine which will be adopted. The Chief Clerk enters the votes on amendments into the computer.

Recommendation No. 21

When bills are amended substantially on second reading, they should be printed and returned to the House for the vote on third reading. The Rules should require that no vote be taken unless members have the text of the amended bill before them.

When bills are amended, members should be given the opportunity to see the final product of their debate and decisions. At least 24 hours, and perhaps longer, is required to produce the amended bill and provide each House member with one copy. Members also will need some time to read and consider the amended version prior to debate and the final vote.

This becomes especially important when the House is dealing with complex, often-amended measures. For example, in the 1973 session the House debated the state appropriations bill for seven days, considering more than 350 amendments. For the members to be completely informed about what they are voting on, they need the total bill, including amendments, and the staff analyses describing the impact of those amendments.

Recommendation No. 22

Conference committee reports should be printed and distributed 24 hours prior to consideration by the House.

After bills are passed on third reading, they are engrossed and sent to the Senate, where the same pattern is followed. It must be emphasized that maximum use of the data processing system depends on both houses of the Legislature using it in the same way throughout their handling of bills. If the Senate amends the bill, House action on its return is put into the computer system by the Chief Clerk. This includes the vote on concurrence, the appointment of a conference committee and any other action which ultimately is part of the bill's history.

Again, the 24-hour rule on the reports of conference committees is necessary to enable members to obtain enough information and time to study the measure they are voting on.

Recommendation No. 23

All actions of the House at each step of the process should be put into the computer system for the purposes of reporting on bill status and history and for capturing information for the Journal.

When final legislative action on the bill has occurred, the program is instructed to enroll the bill, which is then signed by the presiding officers and sent to the Governor.

All the information relative to the bill needed for inclusion in the Journal has been put into the system throughout the process and can be called out by appropriate commands. Time is saved again because it is not necessary to retype (keystroke) and proof the entire bill in each of its versions for the Journal.

In the 63rd Session, the House began to use its EDP equipment more extensively. It would be desirable to extend the use of this equipment to its printing operations for publication of the Journal, enrolled acts and state codes. The effort to thoroughly review printing capabilities and necessities and upgrade facilities, as well as to develop plans for com-

puterized printing, which has been initiated by the Committee on House Administration, is an excellent first step.

Bill Deadlines

To maximize use of time and other resources, House members will need to establish internal deadlines for their activities. These deadlines also serve as a means of self-discipline for the House.

Recommendation No. 24

The bill drafting service should be available to all members throughout the biennium. Members should be allowed to prefile bills for introduction prior to the time the desk is opened for formal introduction.

The actual work involved in drafting legislation should have no deadlines. Whether a measure is to be considered within a given session becomes irrelevant to the question of bill drafting and filing time limits. The bill drafting service should be an on-going operation. It is of benefit to the House to enable its members, whether veteran or newly elected, to make use of that service as early as possible within the biennium, and to have bills filed and ready for immediate introduction when the session convenes.

Recommendation No. 25

House Rules should permit introduction of bills by members from the first day of the organization session through the convening of the regular session in March or April and until one-fourth of the regular session time is expended. The rules should provide that committee bills can be introduced until one-third of session time is expended.

Pre-session filing and early introduction should provide members with adequate time to de-

velop their legislative programs. The press of legislative business requires that no new bills be considered past a certain point in the session so there can be enough time for consideration of all bills before adjournment.

Committee bills presumably have already gone through extensive hearing prior to introduction and thus require less time in committee after introduction before going to the floor.

Recommendation No. 26

Bills should be referred to committee immediately upon introduction or no later than two legislative days thereafter. The Rules should specify committee jurisdictions clearly enough to allow for an almost automatic referral of bills.

The purpose of the bill referral deadline is to guarantee that committees begin work on bills as soon as possible and to prevent the process from being used to inhibit consideration of a particular measure within the session time limits. The Rules should define committee jurisdictions so that the Speaker can determine the committee to which a bill is sent almost automatically. Only the most complex measures will require special consideration for referral, and the suggested deadlines are flexible enough to accommodate such cases.

Recommendation No. 27

All bills must be acted upon by the committee. House bills should be reported back to the House from committee by the time two-thirds of the session is expended.

Recommendation No. 28

All approved bills originating in the House should be sent to the Senate no later than the time three-fourths of the session is expended.

Committees should be required to return a report to the House on every bill assigned to them. To prevent a situation in which a committee technically complies with this rule but still kills a bill by filing late reports, a final deadline for committee reports is essential. Each bill must be considered by the committee and reported either do pass with amendments, do pass, or do not pass. These reports should go to the Chief Clerk by the time two-thirds of the session has elapsed so sufficient time is available for floor action and for Senate consideration. The likelihood of bills passing the house of origin and dying in committee or on calendar in the other house is reduced, and the time and effort spent on them is not wasted. This rule gives the receiving house more time for thoughtful, unhurried consideration of bills it did not originate and reduces the possibilities of bills dying for lack of action.

Interim activity, including continuous bill drafting service and the ability to file bills prior to convening the session, should make compliance with these requirements relatively simple. Committees will receive bills early and will have reported many back by the time of convening in March or April. Therefore, committees will be much better able to keep up with their work load during session.

Fiscal Matters

The Legislature is the custodian of the taxpayers' dollars. Legislative responsibility for allocating state resources includes more than the decisions made on the state budget bill. All legislative decisions which cause money to be raised, spent or saved should be made in terms of both their policy and fiscal impact.

Recommendation No. 29

Bills which have fiscal impact should receive dual consideration from the appropriate policy committee and the Appro-

priations Committee before going to the floor. There also should be coordination between the policy and appropriations committees on the state budget.

Formal coordination between the policy and appropriations committees enables House members to determine more accurately the policy "trade-offs" that are made when tax dollars are allocated to different programs.

In reviewing the state budget, the House should arrange for either all the members, or at least the nucleus of a policy committee to sit with the Appropriations Committee for the hearings dealing with state programs within the policy committee's jurisdiction. Eventually the House could arrange for the policy committee to review and make recommendations on the efficacy of state policy decisions implied in the budget and then for the Appropriations Committee to synthesize those recommendations to determine the total allocation of state resources.

In addition, any bill with fiscal impact should be reviewed first by the policy committee and then automatically sent to the Appropriations Committee. The Appropriations Committee may then determine how that bill's costs fit into the overall state financial picture.

This procedure requires more time to be expended in committees before bills can go to the floor for debate. House members interviewed in the attitude survey, however, believe that the advantages of dual consideration in terms of the information it provides members outweigh the disadvantages. Eighty-four per cent of those interviewed agree that dual consideration is either "very" or "somewhat" necessary, and eighty-six per cent feel that it is also important to have formal coordination between the Revenue and Taxation Committee and the Appropriations Committee to assist in insuring that expenditures and revenue balance.

Recommendation No. 30

The use of fiscal notes on bills should be continued and extended to include resolutions.

Members of the Appropriations Committee and all other House members need exact information on the cost of all measures. The Texas House now relies on fiscal notes prepared by the Legislative Budget Board. Ninety-four per cent of those interviewed in the attitude survey agreed that this is an essential practice. Requiring fiscal notes on bills which have cost implications should be continued. Any measure, whether a bill or a resolution, should have fiscal notes if it calls for the expenditure of state funds.

Recommendation No. 31

The constitutional provision limiting the origin of revenue measures to the House should be removed. Introduction of revenue bills should be permitted in either house.

There is no good reason to limit the introduction of any kind of measure to either house. Both houses are representative of the people, and their members should have the full authority and responsibility inherent in the representative function, including the introduction of tax measures.

Calendaring and Bill Carry-over

Certainly one of the most controversial areas in the legislative process, particularly in legislatures operating within tight time limits, is that of calendaring. When a bill moves out of committee to the floor, it is often a major policy question as to which calendar it should be placed on and when it can be set for consideration. Nowhere is this more true than in the Texas House, and no issue has more impact on the ultimate ability of the House to consider all

measures fairly and in an orderly manner.

Recommendation No. 32

The eight calendars now in use in the House should be replaced by two calendars, a General Calendar and a Consent Calendar. Bills should be placed on calendar automatically by the Chief Clerk upon receipt from committee.

To avoid the inevitable procedural struggles that can arise from a complex system, calendaring should be as simple and open a process as possible, with minimal opportunity for small groups of members to control what the entire House may consider. Automatic calendaring eliminates the need for any special committee to review and calendar bills. Responsibility for the mechanics of placing bills on calendar should lie with the Chief Clerk, who should be responsible for all other mechanical bill processing activities in the House.

Recommendation No. 33

Both calendars should be published and distributed to members, posted conspicuously in the House Chamber and made available to members of the news media and the public. No bill should be taken up on second reading unless it has appeared on calendar for at least five legislative days.

Members must have enough time to review the calendars so they can be fully informed about the issues they are debating on the floor. The public also must be informed of the matters that are being considered and the order they are to be voted upon. This becomes particularly important in the case of the Consent Calendar, but is also vital if members are to vote intelligently and learn the views of their constituents.

Recommendation No. 34

Bills should be placed on Consent Calendar only with unanimous approval and authorization by the committee to which they were referred. Any member of the House may have a bill removed from the Consent Calendar at any time prior to the vote. A bill removed from Consent is placed on the General Calendar for second or third reading in the position it would have occupied had it been placed on that calendar immediately upon its return from committee.

The determination of whether a bill qualifies for the Consent Calendar should be made by the committee which reviews the bill. If the committee unanimously agrees to place a measure on Consent, it is automatically placed on the Consent Calendar for second reading.

The Consent Calendar, as its name implies, should be reserved for absolutely non-controversial measures. It is published in the same manner as the General Calendar so all members may have the opportunity to review the bills placed on it and determine if they have any objections to them. Any member should have the right to request removal of a bill from Consent, and that request should be granted automatically. A bill removed from Consent would then automatically go to the position on the General Calendar that it would have occupied had it not been originally placed on Consent.

The Consent Calendar should be considered at an appropriate time within the regular order of business each legislative day. Announcement of that order of business should include a statement from the chair that any member wishing to remove a bill from Consent, i.e., "withhold consent," should make the request at that time. Bills remaining on the Consent Calendar after all requests are granted would then be voted on by one roll call vote, with automatic authorization to substitute that vote for the

reported vote on all bills on that calendar.

Even with limits to session length, there should be no bills remaining on the Consent Calendar upon adjournment because of this method of dealing with that calendar throughout the session.

Recommendation No. 35

Special orders of business should be authorized by a majority vote of the House.

The House by majority vote should be able to move a particular measure out of its place on the General Calendar for debate at an earlier time. Committees should be encouraged, however, to consider the more important and complex measures early in the session to reduce the need for special orders of business.

Recommendation No. 36

Bills receiving an unfavorable recommendation from committee should not be assigned to a calendar unless the committee report is rejected by a majority vote of the House.

Only those bills receiving a favorable committee recommendation should be placed on calendar. At that order of business during which committee reports are considered, a motion is in order to accept or reject the report. If a motion is carried to accept a report which recommends that a bill do not pass, that bill should not be calendared. However, if a motion is made to reject a report containing such a recommendation, and the motion carries, the bill in question should go on the appropriate calendar as if it had received a "do pass" from the committee.

Recommendation No. 37

At the end of the first session of the biennium, bills on calendar in the house of

origin, in committee or on calendar in the second house, or in conference committee should be carried over to the second session. "Carry-overs" should receive first consideration when the second session convenes.

Limits on session length, whether they are constitutional or self-imposed, may make it impossible for all bills to be considered even though the committees in their house of origin have approved them. The biennial organization of the House logically permits bill carry-over, if a bill has reached the point of being placed on calendar in the house of origin.

Bill carry-over provides a partial answer to the practical problems involved in requiring legislative consideration of *all* measures. It eliminates the need for hurried, last-minute decisions on bills at the end of the first session, decisions which might later prove to be embarrassing when reviewed during the interim. It also gives members additional time during the interim to analyze carried-over legislation, enabling them to make more considered decisions when the bills come up for a vote in the second session. By allowing bill carry-over, the House obviates the need for drafting, introducing, referring and hearing the bill in committee again, thus saving time and resources.

When a bill is carried-over, the additional time for consideration facilitates final decision-making on the bill. The bill should be considered at the beginning of the second session because it can then be quickly moved to clear the calendar for action on measures introduced in the second session.

Floor Action

The Texas House faces some unique problems in establishing an orderly process of floor debate and consideration of bills. A number could be

eliminated if the House were to reduce its numbers from the present 150 to 100 members. Reduction also would make it easier to provide adequate staffing and facilities for all members and improve the overall ability of the House to act as an independent body.

The diversity of interests and the size of population in Texas, however, may lead the people in the state to feel justified in maintaining present House size. In that case, the establishment of rational and orderly proceedings and debate requires a high level of self-discipline among House members, as well as a change in Rules and in the structure of the House Chamber.

Recommendation No. 38

The privileges of the floor while the House is in session should be restricted by the Rules to members only.

With 150 people on the floor of the House during debate, the presence of anyone who is not a member creates unnecessary confusion. Since members all have telephones at their desks, there is little reason to authorize legislative staff or special messengers to be on the Chamber floor during debate. If special notes or materials are needed by a member, they can be delivered by one of the sergeants-at-arms.

This restriction should include the area of the floor containing members' desks and should apply to visitors, staff other than the employees of the Clerks and members of the news media. Under special circumstances, staff or special guests can be authorized floor privileges through Rules suspension.

As a general rule, legislative staff personnel do not belong in the Chamber during session. They should not appear on even the non-restricted areas of the floor unless specifically requested by a member. Those staff personnel who are interested in a particular debate and

have the time to do so may sit in the Visitors' Gallery above the Chamber to observe floor action. When a staff member is asked to appear in the non-restricted floor area or is authorized to go onto the floor for a specific reason, that individual should be required to conduct that business and leave the Chamber as quickly as possible.

Recommendation No. 39

There should be one microphone for every member's desk, a microphone on the podium and a microphone for the Reading Clerk. Members should address themselves to the Chair when engaging in debate.

Providing each member with an individual microphone, as is being contemplated, will eliminate crowding around aisle microphones. The microphones can be designed so that members, in order to be recognized, need only raise the microphone on their desk, thus eliminating the voice demand for recognition that contributes to confusion and noise on the floor. The central controls for the microphones would be located at the Clerk's desk. As the Presiding Officer recognizes a speaker, the Clerk would activate that member's microphone.

During debate, all remarks should be addressed to the Chair. Conversations between members on the floor should be avoided. For example, members who wish to question other members would address their questions to the Presiding Officer, who would then recognize the appropriate person for a response. The member asking the question in this case would retain the floor. The member responding to the question would also address the response to the Presiding Officer. Observance of this basic parliamentary procedure will prevent floor debate from becoming confused by personal exchanges between members.

Recommendation No. 40

The Rules should expressly prohibit members from voting if they are not physically in the Chamber. The electronic voting system should be changed to prevent one member voting for another.

Proxy voting in any form is incompatible with the proper exercise of the responsibilities of House members. Members cannot allow others to cast their votes for them and be adequately performing their duties as representatives. While no electronic voting system is absolutely foolproof in enforcing requirements that each member cast only his or her vote, the voting system should minimally prevent anyone but the member from being able to use a voting key at the member's desk.

Adoption of this practice will further reduce movement of members on the floor because it requires that they be at their desks to vote. This will contribute to the decorum of the House, making it easier for members, news media people and visitors to follow the debate.

A new voting system should be selected that would allow its operations to be coordinated with those of the EDP system for the House. This will enable vote tallies to be recorded automatically in the system for report in the House Journal.

No matter how expensive or elaborate the new voting system is, it will not be effective in eliminating proxy voting unless the members themselves agree not to accept behavior that is contrary to the Rule requiring members to cast only their own votes. There are no policing mechanisms that can be as effective as self-discipline and informal peer-group pressure to conform to the highest possible standards of behavior.

Recommendation No. 41

Roll call votes should be taken and recorded automatically on all amendments and on final decisions on all bills.

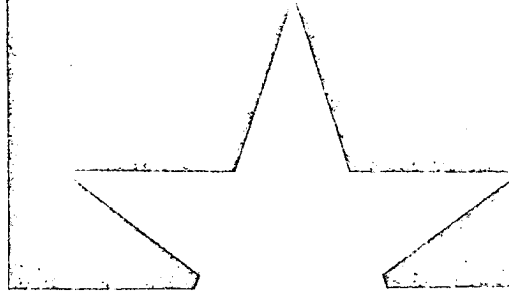
The public has a right to know exactly how members have voted on any policy issue placed before the House for consideration. The only way to guarantee that this information is readily available is to require roll call votes on all policy matters which are automatically recorded, input to the EDP system, printed in the Journal and thus made a permanent part of the record of House proceedings.

Recommendation No. 42

Media facilities should be altered to allow news media personnel to observe House activities without interfering with the conduct of House business.

A more detailed discussion of the relationship between the news media and the Legislature is presented in Chapter VII. It is clear, however, from comments by several legislators interviewed, that the present facilities for news media coverage of the House have contributed to an increased and unnecessary communications gap between members and media representatives.

At the very least, news media people should be in a position in the House chamber to observe the activities of and be able to talk briefly with members and leaders without disrupting the House. One way to achieve this goal is to allocate media representatives a section in the left front corner of the Chamber (as you face the podium) from which they can observe House proceedings. This places media personnel closer to their offices, able to observe votes and speakers and easily able to contact and speak with members outside the Chamber.



IV / The Committees

Major policy decisions are made on the House floor after full debate. The House's homework, however, is done in its committees. They are the basic working units of the Legislature.

For the committees to function as they should, the House must institute rational procedures which provide the time and the information committee members need to deliberate over bills and policy questions. Committee facilities must allow for open and orderly hearings. Committee schedules must recognize the realities of the other demands on a legislator's time and be adjusted to accommodate them.

Recommendation No. 43

The number of committees in the House should be reduced and the use of subcommittees sharply curtailed.

In 1973, as part of its overall effort to establish more efficient procedures, the House reduced the number of its committees and realigned their jurisdictions. The experiences of the 1973 session indicate that a further reduction and refinement of committee alignment is needed to remove remaining obstacles to a more productive committee work schedule. The suggestions embodied in this recommendation result from the information collected on

members' attitudes toward committee operations in general and an analysis of the distribution of bills to committees in the 1973 session.

Members interviewed in the attitude survey frequently expressed a sense of frustration at their inability to attend the hearings of all committees on which they serve and be able to present their bills before other committees. This problem is not unique to Texas, and no completely satisfactory schedule appears to have been devised anywhere to resolve it. It is possible, however, through a number of steps, to reduce scheduling conflicts at least for those sitting on specific committees and to a lesser extent for those who also must present bills to other committees.

The first of these steps is to reduce the actual number of committees which meet and hear bills during the session.

One of the immediate results of reducing the actual number of full committees in 1973 was a proliferation of subcommittees. Some of these were established in the House Rules as standing subcommittees, and others were appointed ad hoc. Whether "standing" or "ad hoc," the number of subcommittees established somewhat defeated the purpose of reducing total

committee numbers. Attendance and scheduling problems remained much the same.

The purpose of a subcommittee is to analyze, in greater depth than can the full committee, the language and policy implications of specific legislation. Subcommittees should be appointed only when particularly difficult policy-related or technical problems arise which the committee for some reason cannot consider in detail.

The subcommittee bears the same relationship to the full committee as does the full committee to the House. While the full committee has every right to review the subcommittee's recommendations, the full committee should not have to hold another full hearing, with testimony, on the measure after the subcommittee has done so. The members of the subcommittee should be ready on the basis of their work to explain and defend their recommendation to the full committee.

The subcommittee system should, of course, be flexible enough to allow for special testimony from the public at a full committee hearing, if a majority of committee members determine there is sufficient cause. Predominant responsibility for most of the time-consuming work regarding a bill or policy, however, belongs to the subcommittee once it is established by the full committee. Subcommittees, therefore, should be appointed only on an ad hoc basis and only for special cases. No one except the full committee of which they are a part should have the authority to establish them.

An exception to this rule is the Appropriations Committee. Consideration of the state budget may demand the establishment of standing subcommittees to the Appropriations Committee to review specific policy areas or departments within state government for budget analysis and oversight activity. There may be other committees whose work makes the use of subcommittees desirable — Education is an

example. But there should be as few sub-units as possible, and their meetings should be restricted to times when the full committee is not meeting. Otherwise, scheduling and attendance problems will not be solved.

When subcommittees are established, their work should be scheduled to avoid conflict with other committee hearings. With fewer subcommittees and full committees, this should be possible to arrange.

The Calendar Committee can be eliminated by the establishment of automatic calendaring, as outlined in Recommendation No. 33. (See page 21) If the rules of the House are overhauled as suggested on Recommendation No. 10, the duties of the Rules Committee would be simplified and the time required to serve on that committee would not be significant. The same is true for members of the House Administration Committee if a House Administrator is employed. (See Chapter V — The House Staff.)

Several of the remaining 18 committees can be combined. This would allow for a reduction in the number of committees and would make possible a better distribution of the bill work load among them.

For example, if we measure work load in terms of number of bills assigned, it appears that the Business and Industry, Insurance, and Transportation committees could easily be combined. Together, these three committees handled 10.4 per cent of the total bills considered by the House in 1973, and their jurisdictions tend to deal with similar or related subject matter.

By the same measure, the Elections and the Reapportionment committees should be combined. Elections dealt with 2.8 per cent of all legislation in 1973 and Reapportionment with 0.4 per cent, and they deal with the same general areas of concern.

Agriculture and Livestock could be combined with Natural Resources. The Agriculture Committee handled 0.5 per cent (13 bills) of all bills in the 63rd session, while Natural Resources considered 5.5 per cent. This combination is especially sensible because of the concern of the state's agricultural interests in the state's water policy.

The matters which fall within the jurisdiction of the Human Resources Committee are both of interest and related to the work of the Labor Committee. Together, those two committees handled approximately 8.8 per cent of all bills in 1973.

Finally, the Liquor Regulation Committee could be eliminated and its bills referred to State Affairs for consideration.

With the same work load and committee jurisdictions as existed in the 1973 session, the reorganization suggested here would have resulted in the following distribution of bills among committees:

Judiciary	14.7 per cent
Intergovernmental Affairs .	14.4 per cent
State Affairs	12.7 per cent
Education	10.9 per cent
Business, Insurance and Transportation	10.4 per cent
Labor and Human Resources	8.8 per cent
Criminal Jurisprudence ...	7.3 per cent
Agriculture and Natural Resources	6.0 per cent
Environmental Affairs	5.5 per cent
Elections and Reapportionment	3.2 per cent
Revenue and Taxation ...	3.0 per cent
Appropriations	2.1 per cent
Rules	0.9 per cent
House Administration	0.1 per cent

This reorganization scheme is offered to illustrate one way to achieve a reduction in committee numbers. This plan is based on an

analysis of the numbers of bills referred rather than on their complexity or the importance of the issues involved. Consideration might also be given to combining the Appropriations and Revenue and Taxation committees. Even though Appropriations spent 400 hours in hearings and meetings during the 63rd regular session, this combination may make the work of both committees more efficient. The same members dealing with the expenditure of state funds would also be in a position to recommend means by which to produce the income required.

A further refinement of the current practice of holding joint hearings would be to structure the committee as a joint House and Senate unit. If the general appropriations bill is developed and considered jointly, it is probable that most major differences can be worked out at the committee level, as members of both houses can be kept informed of the development of one document and have their input at that stage. This would reduce floor amending and substantially reduce conference committee time requirements.

Redesign of the committee structure is an integral part of rewriting the Rules and will require a thorough understanding of the attitudes toward areas of concern in the state and how these areas of concern can be distributed. The task of committee redesign is not easy, but it is essential to a workable committee schedule and is strongly recommended.

Recommendation No. 44

The number of committee assignments per member should be reduced to no more than two. Committee chairmen should not be assigned to any other committee, and members' committee assignments should, if at all possible, consist of one major and one minor committee.

A second step in eliminating many committee scheduling conflicts is to further limit committee assignments to no more than two per member. The reduction in actual numbers of committees makes this easier to accomplish.

Some members may be interested in developing expertise or playing a decisive role in more than two subject areas. It is difficult, however, for any member to be able to perform his duties adequately when faced with more than two committee assignments. Furthermore, 58 per cent of those interviewed in the attitude survey agreed with the concept that members of the House should try to develop some area of specialization in addition to general knowledge about all the areas of concern to the state. The development of expertise in an area when a member has more than two committee assignments is almost impossible and can only be achieved at the cost of one's ability to devote time to other legislative duties.

Committee chairmen have a special responsibility which is more easily handled if they are not required to serve on any other committee. Appropriations Committee members also need more time to devote to that committee and should not be required to serve on any other committee.

Finally, by giving members one major and one minor committee assignment, the House will balance the individual member work load so that a few members do not carry the full weight of legislative responsibility while others need not work at all.

Recommendation No. 45

The average size of committees should be between 11 and 15 members, with the exception of the Appropriations Committee, which should have 19 to 20 members.

A reduction in the average size of committees is necessary to facilitate reducing the number of

committees and assignments per member. Furthermore, smaller committees are able to function more effectively and have a better chance of obtaining and keeping a quorum during hearings.

The Appropriations Committee, because of its heavy work load and subcommittees, will need a larger number of members.

Recommendation No. 46

The House should consider appointing committee members with some regard for ideological balance.

Under the recently instituted committee assignment system in the House, most members now have an opportunity to obtain at least one assignment on the basis of seniority or special concern, and this can result in an ideological imbalance in the committee membership.

To develop confidence in the work of the committees on the part of the House as a whole, it may be desirable to balance committee membership so that recommendations will be made with regard to opposing points of views. In other states, this balance is achieved by providing for proportionate bipartisan representation on committees, an approach not presently feasible in Texas. In the 1973 session, the Speaker attempted to obtain an ideological, minority (party and group), and geographical balance in committee membership. This practice should be continued.

Recommendation No. 47

Committee schedules should be established so that all major committees meet simultaneously.

If there are fewer committees, and no member is assigned to more than one major committee

(as measured by work load, number of bills, etc.), then scheduling to avoid conflict becomes less complicated. In order to permit members to attend their committee meetings consistently, the House may want to experiment with a number of alternative schedules.

A. *Two days of committee hearings, three days of session.*

The House would meet for sessions three full days each week, for example, on Monday, Wednesday and Friday. On Tuesday and Thursday, the House would go into session for one hour each morning to establish a quorum, allow for introduction of bills and handle administrative details. The remainder of Tuesday would be devoted to major committee meetings and the remainder of Thursday to minor committee meetings.

B. *Daily sessions, morning and afternoon committee hearings.*

Major committees could meet in the morning from 8:30 to 12 noon. The House could go into session from 1 p.m. to 4 p.m., and minor committees could then meet from 4 p.m. to 6 p.m. Any additional work of any committee requiring special scheduling, including ad hoc subcommittees, could be handled in the evening.

Recommendation No. 48

The House should provide basically uniform rules of procedure for all committees.

Specific, published committee rules are as important to the legislative process as House Rules. Members and the public have the right to expect that every committee will operate under uniform and easily understandable procedures. Uniform committee rules should be consistent with the framework of the House Rules. Certain differences in the rules of the committees will be necessary because of the

subject matter handled and differing meeting times and places, for example. These differences from the basic and uniform rules should be approved by the House and then published and promulgated.

The present requirement in the House for five days' notice and publication of agenda for committee hearings is excellent and should be maintained.

Recommendation No. 49

Standing committees of the House should have the power of subpoena invocable by action of a simple majority of the members assigned to the committee.

Legislative independence is facilitated by the Legislature's ability to develop data on the issues it must consider. When agencies or individuals involved in state or local government attempt to withhold vital information from the House or its committees, the legal authority to demand that information must exist and the mechanics for applying it be spelled out.

The subpoena power is inherent in the Legislature, unless specifically prohibited by the Constitution, as part of legislative responsibilities under the checks and balances system. The rules should specify that a simple majority of a committee may exercise that power.

The subpoena power should be exercisable upon action by a simple majority of committee members. Subcommittees should be required to turn to their parent committees for issuance of subpoenas. These two restrictions should prevent abuses of the power while still enabling the committees to function as they should.

The subpoena power should extend automatically to standing committees during interim periods.

Recommendation No. 50

Every committee should have a specific meeting room assigned to it spacious enough to accommodate committee members and the necessary staff assistants as well as citizens and members of the news media.

Present committee meeting rooms are grossly inadequate. Every member interviewed in the attitude survey called for improvement in current committee facilities. Committees now meet in the House chambers, in small conference rooms, or in any other available area on a catch-as-catch-can basis.

Members and the public must have committee rooms that are adequate for their proper function and that remain the same for each committee from week to week during the biennium. It is not necessary for every committee to have its own chamber. Committees meeting at different times may share use of a hearing room.

In addition, there should be a number of larger hearing rooms or auditoriums to accommodate more people when special bills or matters of particular public interest are considered. All committee rooms should be equipped so that radio and television coverage is possible, with adequate sound systems, lighting, facilities for audio-visual presentations and with seating capacity to accommodate anticipated needs.

Recommendation No. 51

Full-time professional staff should be assigned to each major committee year-round. Committees with lighter work loads should have full-time professional staff assigned during session and access to professional staff assistance as needed during the interim. Additional committee staff support should be available from central service offices.

Committees such as Appropriations, Judiciary, Education, and State Affairs may need more than one staff person to assist in bill analysis and interim committee activities throughout the biennium. Each committee's staff complement should be determined after a review of demands placed on the committee. Size of staff is not the sole or even the prime consideration. The nature of the committee's work load is the single most important element in evaluating staff need. When this determination has been made, those persons with the required education, training and experience should be utilized.

For the Appropriations Committee, staff responsible to the committee (and the House) is needed in addition to the staff work provided by the Legislative Budget Board to provide members with additional sources of information. Members should be able to obtain information about funding requests from persons responsible solely to the committee. The ultimate decisions as to the programs to be funded and the extent of the funding should be based on facts obtained under the committee's exclusive direction.

Committees should continue to be able to obtain supplementary assistance from the research arm of the Legislative Council. In addition, since the office of the Chief of Committee Clerks was made permanent during the 1973 session, it should continue to provide some personnel in the interim as well as during the sessions.

Recommendation No. 52

Committee staff analyses and statements of legislative intent prepared by the author should be required for every bill, and should be distributed to all members before floor action. Bills referred from committee should be presented on the floor by the committee chairman or someone designated by him.

If the work of the committees is to have meaning for the House, the committees themselves must be responsible for their actions to the House. Committee staff work, the author's statement, and proponents and opponents heard during committee debate will provide the committee chairman or members presenting the bill with adequate data to explain the committee's decision on every bill recommended by it.

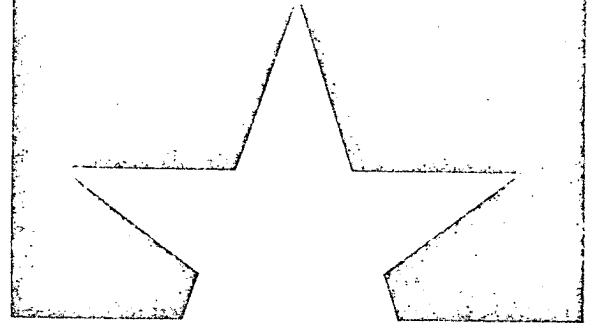
The bill's author can, of course, speak on the bill. Distributing the author's statement of intent to every member further protects the author's interests when the committee chairman presents the bill.

The committee chairman or the committee member to whom the responsibility has been assigned should explain what the committee did to the bill and why, and what the effect of the bill, as recommended in the committee report, will be.

Recommendation No. 53

Conference Committee appointments should include proportionate representation of members voting for and against concurrence on the bill.

The principle of proportionate or balanced representation of standing committees to increase the acceptability of their reports should extend to conference committees. In placing members on the conference committee who have opposing viewpoints on the matters of difference between the houses, the House provides greater opportunity for the resolution of the conflicts and the development of a conference committee report that can be expected to receive approval. This was done successfully during the 1973 session and should continue in future sessions.



V / The House Staff

The staffing system of a legislature is important to that legislature's ability to operate. Employees who are qualified, trained and hired in adequate numbers to perform specified duties efficiently, provide the legislature with an invaluable resource in its policy making deliberations and oversight activities.

While House members, as indicated by the attitude survey, varied markedly in views on how staff should be recruited, hired, assigned to specific duties and supervised, the predominant attitude among all members interviewed is that something more is needed to provide the Texas House with the proper staff.

For example, among the 98 per cent of those interviewed who felt the House is in need of major reforms, more than half instantly identified staffing as one of the primary areas of concern. In questions dealing with increased professional staff for committees, central service operations and individual legislators, responses in favor ranged from 64 per cent to 84 per cent of those interviewed, depending upon the staffing area in question. In addition, questions concerning the improvement of legislative ability to operate in areas which require substantial staff assistance produced similar positive responses. Of those interviewed, 88 per cent indicated that they thought the House's

ability to perform its oversight functions are severely hampered, and many identified lack of full-time professional staff assistance as a major factor in the House's poor performance in this area. Ninety-four per cent of those interviewed felt that fiscal notes should be attached to all bills with financial implications, while 76 per cent agreed that committee reports, with explanations of the committee action, should be filed on all bills. The preparation of these materials requires a sufficient number of competent staff personnel.

Because staffing is important to legislatures in general and to the Texas House specifically, the study commissioned by the House included a general survey of present staffing practices and an inventory of problem areas to develop some overall improvement recommendations.

Interviews were conducted with House members (within the framework of the attitude survey), officers of the House, 14 department heads, and the Chief of Committee Clerks. The resulting data has led to the conclusion that current personnel practices in the House are in need of detailed revision developed through in-depth investigation and analysis.

The specific recommendations which can be made from the preliminary survey are presented in this chapter.

Recommendation No. 54

The House should fill the position of House Administrator already established in the House Rules, and delegate to that individual full responsibility for supervising the use of facilities, personnel policies, and all other specifications outlined in the Procedures Manual.

Rule VI, Section 1, of the Texas House Rules states that the House Administrator

"... shall be in charge of and responsible for the supervision of all officers and employees of the House and in the conduct of their official duties. He shall organize all administrative and clerical operations of the House, shall be responsible for the coordination of all housekeeping functions, and shall make recommendations to the Committee on House Administration for the improvement of the clerical and administrative processes of the House."

The Administrator is charged with responsibility for establishing personnel policies and dealing with employee grievances, for devising a position classification and salary plan for House employees (see Recommendation No. 59) and for the performance of any other duties assigned by the Committee on House Administration.

Implementation of Rule VI is a vital step in establishing rational and effective staffing patterns for the Texas House. The House Administrator should be an individual who has both the education and the experience to supervise the utilization of facilities and allocation of staff and other resources within the Legislature.

The Administrator should be hired by and directly responsible to the House Administration Committee, able to be removed by the Committee at any time for failing to carry out the Committee's policies.

Recommendation No. 55

The central personnel operation created in the 1973 session should be expanded under the supervision of the House Administrator to recruit and determine the qualifications of potential employees, supervise the allocation of staff among departments, assist individual legislators and committees in the hiring of professional and clerical staff, and design and administer staff training and orientation programs.

The individual departments, committees and members of the House retain the ultimate authority to hire their own staff. The purpose of the central personnel office is to administer the job classification system — including the enforcement of qualification standards and a salary schedule.

The central personnel office would establish a pool of qualified professional and clerical help to which any legislative hiring agency can turn when in need of additional staff. No individual should be hired by any agency of the House unless that individual has been certified by central personnel as being qualified for that position.

It is possible for a member or committee wishing to hire an individual who is not acceptable to the personnel office to appeal the personnel office ruling to the House Administrator and then to the House Administration Committee. If the House wants well-qualified staff members who can operate effectively, however, the Administration Committee must give strong support to the job standards and salary schedules established through the personnel office.

Recommendation No. 56

The central personnel office should have the authority to transfer personnel from

one central service agency to another as work load demands dictate need.

Individual legislators and committee staff complements are established through decisions of the House Administration Committee, guided by the Rules and Procedures Manual. For all central service operations, the numbers and types of staff hired should relate directly and vary according to work load demands as determined through a functional analysis. (See Recommendation No. 64). The central personnel office should continuously check on work load demands and should be given the authority to transfer clerical, technical and professional staff between departments on the basis of those demands. The personnel office should also be able to establish and fill part-time positions for heavier work loads during sessions or for special interim committee activities.

Recommendation No. 57

The House should establish, through the central personnel office, a program of continuing education and training for House staff.

Both new and on-going staff should have a pre-session orientation conference, either in conjunction with or running parallel to the orientation session for members of the House. In addition, on-going training programs for specific types of staff should be conducted throughout the biennium to assist in upgrading the quality of staff work and in maintaining constant communications with and among staff.

The central personnel office should also establish a training program for clerical and technical staff needed on a part-time basis during the regular session. In addition, as part of its regular recruitment program, the personnel office should train and establish a reserve pool of qualified clerical, technical and

professional people to which the personnel office can turn for either full or part-time employment as needs arise.

Recommendation No. 58

The House should publish a complete directory listing Capitol telephone and office numbers of all members and staff.

A comprehensive directory listing names, titles and office and telephone numbers of House staff and members is an important tool. It enables both staff and members to make immediate contact with potential sources of information and assistance within the Capitol. It also is valuable because it helps members of the public locate and contact their representatives.

Recommendation No. 59

The House should develop and maintain a position classification plan which defines the responsibilities of, establishes the salary level and range for, and describes the education and experience necessary to fill each position.

A position classification plan helps simplify the task of personnel recruitment and hiring by specifying what the job entails and the experience and education needed to perform the tasks. The plan thus sets the standards for hiring staff.

The two job descriptions shown here are examples of what a job classification plan include. The House will be able to establish its own needs and standards through a comprehensive functional analysis of its operations (See Recommendation No. 64).

Example A: Administrative Secretary

Definition

Has primary responsibility for preparing correspondence, obtaining materials, and answering questions; greets, screens, and assists visitors; receives and refers telephone calls; assists in preparation and follow-up of legislative matters; handles a variety of secretarial and administrative office-detail and other related work as required.

Qualifications

Any combination of education and experience equivalent to completion of two years of college work and three years of increasingly responsible experience as a secretary to a legislator or top administrator. Shorthand may be required for positions in this classification. Typing skills are definitely required.

Example B: Legislative Consultant (Range A, B, C)

Definition

Prepares, analyzes and gives advice on bills, amendments, resolutions, reports and correspondence in the specialized subject matter of the committee or caucus to which assigned; recommends subjects for and conducts assigned studies; prepares reports on committee or caucus actions; handles a wide variety of administrative detail and liaison activities and related work as required. Staff members can be hired at (or promoted to) three ranges of salary and responsibility, depending upon background and qualifications.

Qualifications

Range A — Any combination of education and experience equivalent to graduation from college and two years of professional or technical experience which has enabled development of working knowledge of the subject matter of the committee to which assigned.

Range B — Any combination of education and experience equivalent to possession of a Master's Degree and two years of progressively responsible professional or technical experience which has enabled development of considerable knowledge of the subject matter of the committee to which assigned.

Range C — Any combination of education and experience equivalent to possession of a Doctoral Degree and two years of professional or technical experience which has enabled development of a broad knowledge of the subject matter of the committee to which assigned.

The present system of authorizing positions in the House sets forth a series of titles — secretary, committee aide, legal aide, clerk, chief clerk, committee clerk, attorney, counsel, etc. — with specific salary rates per month for each title. The salary rate, however, is stated in terms of "not more than x dollars per month." As a result, there is a tremendous range of salaries paid for the same position. For example, an examination of the payroll for the month of

May shows that individual House employees with the same title of "Interim Secretary" received the following salaries:

<i>Number of Employees</i>	<i>Salary (per month)</i>
2	\$ 100
9	200
3	225
7	250
6	275
21	300
6	350
3	375
12	400
17	500
14	550
7	750
1	800
1	825
1	900
1	1000

The establishment and strict enforcement of a set salary schedule will eliminate arbitrary differences between employees working at the same level with the same background and experience and thus reduce the inevitable employee discontent and reduction in productivity that results from discriminatory salary practices. The establishment of the schedule eliminates the time consuming task of reviewing each individual employee to determine the exact amount of his or her salary. When an employee is hired or considered for promotion, the employee's qualifications determine the position or range in which the individual will be placed and thus automatically establishes the salary.

Recommendation No. 60

House staff should receive adequate compensation measured both by the job requirements and consideration of the

possible short-term nature of the employment.

Trained, qualified professional and clerical staff, capable of adequately performing the duties necessary to the proper functioning of the House, must be well-compensated.

In addition to the actual requirements for the duties of a specific position, the indefinite nature of the length of employment should be included as a factor in establishing salary. Qualified personnel hired part-time to fill in on heavy work loads would require higher levels of compensation than would their equivalent in a full-time position in private industry, for example. Full-time staff positions also have a degree of insecurity because of the political nature of the organization and the possibilities of substantial change in policies and personnel every two years. The successful recruitment of qualified staff under these conditions demands higher than average levels of salary.

Recommendation No. 61

The duties and functions now assigned to the Calendar, Journal and Engrossing and Enrolling Clerks should all be brought under the direct supervision of the Chief Clerk, who should be responsible directly to the Speaker of the House.

All administrative activities related to bill flow in the House should be coordinated through one central department. The present system, whereby various functions related to receiving, filing and keeping track of legislation are divided among several departments, tends to interrupt the flow of legislation unnecessarily.

Consolidation of all these functions in one department will become even more advantageous as the House moves to greater utilization of its EDP system.

The Chief Clerk, as the supervisor of all bill

flow and related House operations, should be directly responsible to the Speaker. Ideally, the Speaker will also chair the Rules Committee to provide the necessary direction and coordination between Rules Committee decisions and their implementation by the Chief Clerk's office.

Recommendation No. 62

The present office of the Chief of Committee Clerks should be retained on a full-time, year-round basis and its operations expanded as the need arises.

Recommendation No. 51 (page 30) calls for the assignment of full-time professional staff to major committees with lighter work loads as the need dictates. Assignment of committee staff by need should be handled through the office of the Chief of Committee Clerks and the experiment begun at the end of the 1973 regular session to retain the Chief of Committee Clerks on a full-time, year-round basis should be continued.

The Committee Clerks' office can serve as a resource pool to supplement the work of the year-round professionals assigned to major committees and to assign individuals to deal with other committee needs. The Committee Clerks' duties logically fall under the jurisdiction of the House Administration Committee, and the Chief Committee Clerk should therefore be responsible to the House Administrator.

Staff for the Chief of Committee Clerks office, like all other House staff, should be recruited through the personnel office.

Recommendation No. 63

Members should have allocated to them at least one full-time secretary in the Capitol, an administrative assistant to do research and bill analysis and to help maintain communication with constituents, and one

full-time secretary to work in the members' district.

Trained, qualified staff personnel, responsible directly to each individual member, are necessary to enable members to make maximum use of the limited time available to them. These staff people are extensions of the members, charged with the responsibility of assisting to inform constituents about the member's activities and to provide the member with enough information to make rational legislative decisions.

Full-time legislative staff is needed in both the Capitol and the legislator's district to arrange appointment schedules, handle correspondence, and be available whether or not the member is present to guarantee that constituents will have access to the member to voice their questions, demands or grievances.

While tremendous progress was made in this area during the 1973 session and the ensuing interim, continuing efforts should be made to see that members' staffing is the best possible so that members can do their jobs more independently.

Recommendation No. 64

The House should analyze the professional and clerical tasks necessary to its operations to determine the numbers and qualification of people needed to perform these tasks.

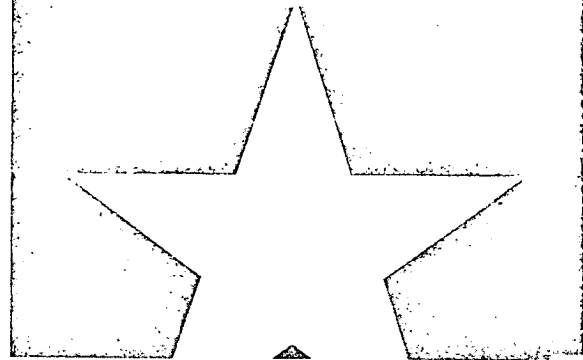
In establishing its staffing operations, the House's primary concern should not be whether there are sufficient numbers of people hired by the House. Instead, there is a need to determine whether the present staff complement has the appropriate mix of skills and qualifications at the ranges and levels necessary to accomplish the work of the House.

The recommendations presented in this chapter merely scratch the surface of what must be

done to give the House a functional and efficient staffing operation. The first assignment given the newly-hired House Administrator should be to supervise the conduct of an in-depth review of House operations to learn exactly what jobs need to be done to make the House run smoothly.

This review will establish how many of which kinds of professional and secretarial/clerical staff are needed for each department and agency of the House. It will also demonstrate which departments among the 13 or 14 separate services may be combined with other departments to produce a more cohesive and coordinated central service operation.

Recommendation No. 13 (page 12) dealing with the internal structure of the Legislative Council is one example of the possible results of the functional analysis within all departments. In addition, some of the tasks outlined for the Chief Clerk in relation to the section on computers (Recommendations No. 15 through 23; pages 14-18) also should be reviewed within the framework of functional analysis before final decisions are made on who should actually perform or supervise performance of those duties. After the functional analysis is completed, the House can then develop and implement the job classification plan and the other procedures to guarantee recruiting, hiring and allocation of qualified personnel for all agencies in the House.



VI / In the Interim

After the House adjourns its regular session (annual or biennial), its work continues through its interim committees.

The interim provides the House with the opportunity to investigate, in depth, policy issues and the behavior of state agencies to determine what legislation should be introduced and considered in the following session. While the work of the session is geared primarily to the development of specific legislation, the emphasis in interim activities shifts from analyzing the language and impact of specific bills to research, investigation and development of general concepts, programs and legislation.

Currently, much of the guidance required for the day to day operations of the House during session and interim is provided by the members of the House Administration Committee. Chapter V suggests some alteration in that committee's operations as it relates to House activities. The development of the legislative operating budget, the overall allocation of resources to interim activity, the direction of the central operations which render services to both houses, including salary schedules, personnel policies and related matters, and the general acquisition, maintenance and supervision of legislative facilities, equipment and supplies, however, are matters

which necessitate joint House and Senate attention. While it is beyond the scope of this study to analyze all joint activities and needs, in the area of interim work there is substantial justification for the development of closer coordination between the House and the Senate.

Recommendation No. 65

A Joint Management Committee consisting of a nearly equal number of members from both houses should be established to supervise interim activities.

The Joint Management Committee should comprise five or six members of each house, including the Speaker of the House and the presiding officer of the Senate. Some of the members may also be appointed by these officers, but House and Senate members should also have a direct voice in the selection of the remaining committee members to insure a representative committee. Under the present party structure, one committee position from each house should be occupied by a member of the minority party. Should minority party representation increase, then the committee should have a proportionate partisan representation.

The Joint Management Committee should oversee joint interim committee activity to the

extent of allocating operating funds and assigning central service staff. When the interim committees must choose from a number of possible studies, the Joint Management Committee should assist them to establish the priorities for those activities.

Recommendation No. 66

Interim studies should be conducted when authorized by specific bill or resolution passed during the session or when determined by a majority of the members of a committee.

Standing committee work in the interim may result from a resolution passed during the session or from a decision of a majority of the committee members considering priorities which must be established among a number of possible projects. Although under present Rules, interim studies are authorized only by resolution or direction of the Speaker, the decision should be made by the full committee after consultation with the Joint Management Committee or, prior to its establishment, the Committee on House Administration about availability of staff and funds and which projects might take precedence in terms of the public interest.

Recommendation No. 67

Standing Committees of the House and Senate should be parallel to enable the establishment of Joint Interim Committees.

The numbers of committees and their jurisdictions should be parallel in both the House and Senate to enable them to work as joint units at least during the interim. In a joint committee, various members of each house will be familiar with bills developed from individual interim studies, thereby making it easier to obtain information on those bills.

Recommendation No. 68

There should be substantial carry-over of committee membership from one interim to the next to provide for continuing interest and expertise in the subject area of the committee.

The members of House committees appointed at the beginning of the biennium should remain on those committees throughout the biennium, including the interim. Studies referred to those committees will result in legislation that is then considered by the standing committee in the respective house during the session. Ongoing committee member expertise will be valuable to the entire process.

The longer members remain on the same committee, the more expert they will become in the subject matter of the committee's jurisdiction. It is therefore desirable for members to retain the same committee assignment for more than one term.

Recommendation No. 69

Interim studies should be referred only to standing joint interim committees. Special committees or subcommittees should not be established during the interim.

The establishment of special interim committees and subcommittees defeats the effort to provide each house with an optimum number of members educated in the subject area of a specific interim study. While interim committees may be tempted to divide into subcommittees to study specific areas, this method of operation should be discouraged as much as possible. There should be enough time available during the interim so that full committees are able to consider matters in detail without reference to subcommittees.

Recommendation No. 70

Members and committees should be encouraged to have their legislation drafted and prefiled during the interim.

The most productive allocation of the Legislature's time and resources depends on full and comprehensive interim activities. A vital part of that activity is the preparation of legislation to be introduced immediately upon commencement of the session.

Members should be encouraged to prepare and submit their requests for bills to the central bill drafting service throughout the interim. The work of the interim committees should be geared to decisions to introduce or not to introduce legislation; and once a specific study is completed, the individual member or committee chairman (on behalf of the committee) should immediately submit any requests for bill drafting to the central service agency.

As soon as an acceptable final draft is prepared, the bill should be printed in proper form and prefiled by being placed in the hands of the Chief Clerk of the House. This responsibility is not one that can be delegated to staff. Like bill introduction during the regular session, this task must be performed by a member. The Clerk then numbers the prefiled bill in the order received and holds it for introduction. When the session begins, the bill is then automatically put across the desk for introduction.

Recommendation No. 71

Committee bills should be authorized. The House should be prohibited from introducing skeleton bills.

With extensive interim work, the reasons for allowing introduction of skeleton bills are eliminated. Members should be able to have a fairly clear idea of what they wish to accom-

plish with their legislation prior to the beginning of the session, and will not require non-specific bills which waste both the time and the resources of the House.

Effective interim committee work will probably result in a decision by the committee to introduce specific bills. These bills should be identified as committee bills. Sponsorship is indicated on the bill at the time of prefiling as, for example, "The Interim Education Committee," or "The Joint Interim Appropriations Committee," etc. The bills may be introduced in either house as determined by the interim committee prior to introduction.

By authorizing committee bills, the Legislature establishes a system in which all members of the interim committee become accustomed to working together to refine and present to the full House and Senate an acceptable and effective piece of legislation. There are then a substantial number of members in each house able to speak authoritatively about the bill. Also, because of the interim work, the bill can be referred to the appropriate committee immediately, and receive thorough yet rapid consideration, which thus speeds up the legislative process and legislative productivity.

Recommendation No. 72

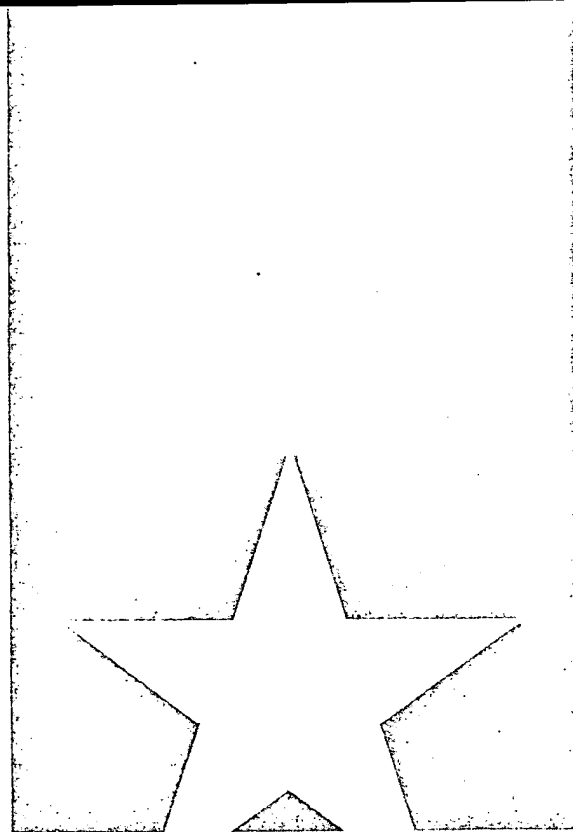
The rule requiring every joint interim committee to report its findings and recommendations should be strictly enforced.

The most intensive and highly professional interim effort will be fruitless unless it is reported to the legislature in a manner and form that encourages legislative interest and at a time which permits consideration during the session. There should be a rule requiring the interim committees to report their findings and recommendations. Such a rule can be enforced in a variety of ways. For example, failure to file a report on a study that has been paid for with

public funds could be viewed as malfeasance in office. The Chairman and the Vice Chairman of the committee could be removed from their leadership positions on the committee for the remainder of the biennium. Another method of enforcing the filing requirement is to establish that no bills in the succeeding session would be referred to that committee until its report is filed. This would encourage the committee to report so it could function during the session.

This report should include an accounting of what funds were expended in what manner and for what purpose, the text of any prefiled legislation resulting from the studies and a description of the participants and testimony offered at hearings.

The reports should be filed at least a month before the session begins.



VII / The House and the Public

The homework done by the House in its committees, the time and effort that goes into deliberating and resolving public policy questions, and the improvement in rules and procedures will have little impact upon the public's perceptions of the nature of the House as an institution unless the legislative process is open and accessible and the House takes positive steps to inform and educate the public as to how and why it acts.

The Texas House already has assumed a leadership position in enacting ethics legislation. The members are to be congratulated for recognizing the need for and acting to require disclosure of public officials' sources of income, regulate lobbyist behavior and control campaign finance practices. The House, in 1973, adopted rules requiring open committee meetings and other regulations to guarantee public access to the legislative process.

These rules and laws require serious observance and enforcement to continue to enhance public respect for the House and its members. If the House decides to redraft its Rules, it will be able to remove certain sections concerning campaign finance, since they are now superseded by statute.

Building from the positive reaction to the

new ethics legislation, the House can consider additional steps to improve news media coverage of legislative activities, establish on-going communications with the public, and through the news media and member-to-district contact, maintain public support for the Legislature as a responsible and accountable institution.

The News Media

One of the most important channels of communication to the public is through the Capitol news media corps. Ideally, House members perform to the best of their abilities and with as much information as they can gather to enable them to act in a responsive and responsible manner, and the news media fairly and objectively report what the actions were, why members responded as they did, and what the possible impact of those actions will be.

There is, almost inevitably, some tension between media and legislators based on differing perceptions of "responsive," "responsible," "fair," and "objective." This tension is healthy for the democratic system. The news media may report more, in some cases, than public officials may want reported, but citizens then are able to get a clearer understanding of what happens in government and who is responsible for those

decisions and events. On the other hand, public officials have access to the public air waves and the press to convince their constituents that they are performing their jobs as representatives of the people in governmental decision-making. The House has a responsibility to encourage news coverage of its actions. The media also has the responsibility to report the facts as objectively as possible.

Recommendation No. 73

News media facilities should be improved to encourage coverage and reporting of legislative activities. The House should continue to tape all committee and floor proceedings and make those tapes available to the public and to news media personnel in the Capitol on request.

Recommendation No. 42 (page 24) suggests that the news corps section be moved from its present place on the floor in the House chambers to the other side of the Speaker's podium. This would place media people closer to their own offices at the rear of the chamber while still enabling them to cover the floor action and have access to legislators for brief exchanges outside the Chamber floor.

The present news room facilities are poor. The House should provide adequate office space, rent-free and with access to the chambers, for news personnel in the Capitol. This effort should be made as part of a total redistribution of legislative space within and outside the Capitol.

If Capitol correspondents' offices are expanded and moved from the back of the House chamber to the same floor as the Visitors' Gallery, the House could then consider allocating a section of the Gallery to news media only. Reporters could then cover House actions without disturbing members. The House should also install facilities for electronic media coverage of both floor and committee sessions. These

facilities include special lights controlled by the presiding officer or committee chairman and an adequate sound system which radio and television media can tie into to get clear coverage of debate and floor proceedings. A permanent and indisputable record of floor and committee debates can be of great assistance to the news media and to the members of the House. If questions arise concerning what has been said, those raising questions can refer to the tapes. Also, the sound system used by the House to tape its activities can be used by electronic media representatives for their taping equipment.

Another useful facility is a broadcast studio in or near the Capitol. This studio can be used for news conferences as well as for special interviews and taping sessions by members and news media personnel.

Recommendation No. 74

Permission to tape, record, or film House proceedings should be given automatically upon notification to the Speaker of intent unless revoked by a majority vote on the floor.

Modern news coverage of floor and committee sessions requires proper facilities for electronic media coverage. There is not and should not be any way by which the House can turn off the pencils of newspaper reporters, and the same should apply to cameras and tape recorders. Since cameras and lights may disrupt floor action, even with specially installed equipment, there may be some justification for provisions to halt its use. This practice should be limited, however, and if exercised at all, should be exercised in a manner that places every member on record in favor of or opposed to the decision.

News stations should notify the Speaker of intention to film or tape prior to the beginning of session. The Speaker can then announce that intention to the House, and if any member

of the House disapproves, that member can move to revoke permission to film or tape. A majority vote upholds the member's motion and the cameras are shut off.

Television, radio and press coverage benefits the legislature and the public. Every effort should be made to support and encourage this coverage.

Recommendation No. 75

The Rules should prohibit news media representatives from being on the floor during session.

There is no good reason that capitol correspondents should be allowed on the House floor, within the restricted area, during session. Their presence only contributes to lack of decorum in the House, and gives rise to unnecessary antagonism between media and members. News media personnel should be restricted to the same areas as are legislative staff. If the media facilities are located on the House floor, then, of course, media personnel should be allowed on the floor, but only within the space allocated to them.

Recommendation No. 76

A capitol correspondents organization should be formed and urged to establish, promulgate and enforce rules of behavior for its members in consultation with the House Administration Committee.

How a reporter covers a story and what he or she chooses to write, record or film is something with which the House has no right to interfere. The behavior of capitol correspondents and their conduct while covering stories and dealing with members of the House is a matter of concern both to the House and to the correspondents' own professional corps. The House Administration Committee should offer every

possible assistance to the media's professional organization in the Capitol to develop and encourage enforcement of a code of ethics. This code will not be onerous to the news people if it is developed and enforced by their own organization.

The Public

The House's public education and information program does not depend solely upon the activities of the news media. The House should have certain kinds of facilities and programs which directly communicate with the public. House members also should be supplied with resources and facilities to enable them to maintain contact with their constituents and to fulfill their responsibilities of informing the public about House activities.

House members tend to be aware of their responsibilities to their own constituencies, and are extremely concerned about protecting the representative nature of the House. In ranking legislative capabilities, members interviewed in the attitude survey placed the representative function at the top of the list in determining how well the House performs, and tended to disagree strongly with any suggestion that seemed to impair the ability of a member to represent his or her constituents.

Members need to be sensitive to the overall impression on the public mind produced by certain patterns of legislative behavior. For example, the problems of maintaining decorum on the floor must be resolved both to provide for a more orderly process and to give the public a better understanding of how the process works. Passage of the ethics legislation in the 1973 session was essential not just because it will help prevent conflicts of interest but also because it encourages public faith in the legislative institution's willingness to keep

its own houses in order. Sensitivity toward and improvement in public views of the Legislature as an institution should be encouraged.

Recommendation No. 77

The House should analyze its present offices and facilities to reorganize them to provide individual legislators and legislative staff services with adequate office space.

On the surface, the question of adequate facilities for members and their staff appears to relate more to procedures and operations than it does to contact with the public. There is, however, a very real need for the public to be able to locate members in the Capitol without too much difficulty. While every member of the House is provided with an office, the space allotment for most members is very inadequate. Individual member's staff tend, on the whole, to have little or no office space at all, and central service operations are in cramped and dysfunctional quarters.

The acquisition of an additional building was recently recommended by the Interim Committee on Capitol Use and Public Information. If such a project is feasible, the space problems now existing in the Capitol would be greatly alleviated. Members' offices could be moved to a new location and freed space in the Capitol could then be made available for use by committees, committee staff, and central service offices. Members would still need convenient access to the House chamber and to service facilities, and this should be kept in mind in the course of any acquisition or construction program.

Each member should have sufficient space assigned to house research, study, and bill analysis activities. Members should be able to accommodate personal staff, and they must also have a place that provides a private, uncrowded

and comfortable environment for meetings with constituents.

Offices serving the House should be located so they are easily accessible to members. The Chief of Committee Clerks, for example, should be housed close to the permanent committee meeting rooms. The bill distribution center should have convenient access to the chamber and the printing operation. Convenient, in this sense, does not necessarily mean close, but does mean that there is provision for a direct and unimpeded flow of traffic.

Recommendation No. 78

Every member should be provided with at least one district office.

District offices are crucial to the capability of the legislator to stay in touch with his or her constituents. Those in a legislator's district who cannot or do not want to contact that member in Austin should be able to make contact with the member's district office. The 63rd Session has responded to this need.

The reasons a member must have office space for meetings with constituents in the Capitol apply even more strongly to the time a member spends in the district. Full-time staff in both offices is also needed to arrange appointment schedules, handle correspondence, and develop and implement other means of communication with the public.

Recommendation No. 79

The House should establish an office of public information to serve as a central distribution point for all legislative documents. Additional public information programs should be developed and publicized.

The Interim Committee on Capitol Use and Public Information concluded that a public information office, such as the new Media

Services office, is essential. The experience in a number of other states throughout the country is that such an office is an invaluable asset in keeping the news media and the public informed and in strengthening public understanding of the Legislature. This helps promote public confidence in the Legislature.

The House should expand this office and encourage public use of its facilities. The office should be located within the Capitol with easy access by the public. All legislative documents, including calendars, committee agendas, committee reports, bills, and journals should be available. The office should be supplied with a computer terminal to trace bill history and status immediately upon request.

In addition to the public information office, the House should encourage and publicize the use of the "hot-line" information service available through the Legislative Reference Library.

Recommendation No. 80

The public information office should be able to provide a record of roll calls on all votes taken in committees and on the floor.

The public must be able to learn exactly how its representatives have voted on any given issue, including key policy questions relating to House organization.

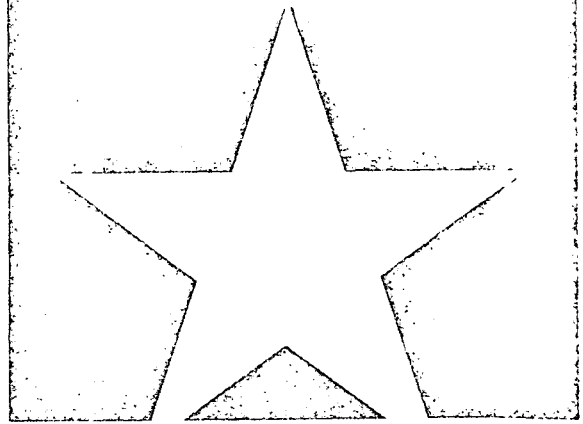
Recommendation No. 81

Representatives should be elected from single-member districts.

A basic requirement of representative government provides that each citizen should be able to identify his or her representative. Multi-member districts defeat this goal. In multi-member districts the public finds it difficult to determine to whom they should turn, and the visibility and responsiveness of each repre-

sentative is reduced, thus reducing the overall level of accountability of the House.

The Texas House has been moving in the direction of single-member representation, and should be encouraged to eliminate all multi-member districts.



VIII / The House and the Constitution

In 1974, the members of the Texas House will be joined by their colleagues from the State Senate to sit as a Constitutional Convention. At that meeting, legislators, some with many years of experience in the *legislative* process, will gather to act, not as a legislature, but as a convention. After becoming accustomed to dealing with statutes that define programs and policies in detail, will these legislators be able to put aside the habit of looking to specifics and take the broad, less precise approach more appropriate to drafting a Constitution?

A Constitution, according to Webster's Dictionary, is a document which establishes the "fundamental principles of a . . . state . . . that determine the powers and duties of (its) government and guarantee certain rights to (its) people." The Texas Constitution is long and detailed, addressing itself to many matters which should be found in statutory law. The members of the Texas Legislature are probably more keenly aware than most citizens of the cumbersome nature of the Constitution. Whether or not this awareness can be translated into a different set of attitudes and approaches to the Constitutional Convention will be seen only after the Convention has completed its work.

The members of the Convention must divorce themselves from the legislative tendency to

look at each bill and statute in terms of its detailed policy implications and its impact on individual constituencies. They should remember that the document they are preparing must be approved by all the people in the state, and that the constituency they represent in the Convention includes future generations as well as the present one.

There is nothing inherently wrong with providing that the State Legislature serve as the state's Constitutional Convention, and the comments and suggestions made here should not be construed as a criticism of that practice. When members of the Legislature serve as a Convention, however, there are certain "danger points" that must be recognized and guarded against, and it is to these that the suggestions are addressed.

It will not be easy for members to continue to remind themselves that they are developing a Constitution, rather than a body of statutory law. Fortunately, the 62nd Legislative Session was perspicacious enough to establish a Constitutional Revision Commission which has expended tremendous effort to obtain substantial public input to its deliberations. The 63rd Session has also provided for establishing special rules and procedures and arrangement of physical facilities for the Constitutional Con-

vention. The Speaker of the House has appointed a special 15 member committee to do this work.

The Revision Commission has spent much time and effort to guarantee broad-based public interest and participation in the drafting of the new Constitution. The members of the Convention should hold the results of that effort in high regard, and should also endeavor to continue the work of public education and information begun by the Commission. The Convention need not accept every recommendation of the Commission without careful review, study and consideration of the alternatives. The members should keep in mind, however, that the Commission did its work after extensive consultation with and testimony from the many groups and individuals that constitute the public. As the members of the Convention develop the final document to submit to the voters, they should continue to maintain extensive communications and contact with the public, both directly and through the media. An ongoing program to inform the public is absolutely essential to the successful outcome of any effort to adopt a new Constitution. In its organization and rules, it is very important that the Convention consider the best possible ways to guarantee maximum public access to and news media coverage of the Convention's activities.

It is also essential that the Constitutional Convention have well-defined rules of procedure for the conduct of its deliberations. The natural tendency of the Committee assigned to review and establish Convention procedures may be to turn to existing documents — the House, Senate and Joint Rules — to serve as the basis for Convention behavior. If the Convention Rules are based on present legislative documents, the tendency of the Convention participants to act as a legislature will be encouraged. Instead, for source materials on rules the House should turn to the rules used in other conventions whose

participants were not predominantly state legislators. There will inevitably be some similarities, since basic parliamentary procedures remain the same regardless of the nature of the body. There will obviously be a presiding officer. It may be advantageous to establish committees, and the rules for the conduct of debate may follow lines parallel to present House Rules. Overall, however, the rules should obviously be distinctly for a *Convention*, and not an adaptation of legislative rules.

If the Convention decides to establish committees to analyze the Constitution, those committees should be organized in basically the same subject area divisions as were established by the Constitutional Revision Commission. This will help provide coordination and continuity between the work of the Commission and the Convention.

There are a number of additional areas to which the House should look in preparing for the Constitutional Convention. For example, some consideration may be given to altering the House chambers, both to accommodate the larger group comfortably and to give less of an impression of a legislative assemblage. The brass rail could be removed, for example, and the position of the desks shifted to allow more central area for the conduct of debates and discussions. All of these and similar changes in facilities and organization should be developed deliberately to eliminate the aura of a legislative environment in the chambers and establish the atmosphere of a public meeting.



One of the concerns expressed by many legislators during the attitude survey interviews was the need for a comprehensive list of constitutional provisions relating to the Legislature for consideration at the Convention. The legislative

article of the present Constitution is much too lengthy; there is no longer any justification for the detailed and specific provisions of Article III of the Texas Constitution. Instead, the provisions relating to legislative functions and operations should be as general as possible, and should provide the Legislature with enough discretionary powers to manage most of its affairs without reference to the Constitution.

Many of the recommendations included in this report will require constitutional change to remove existing restrictions. For example, the language in the legislative article concerning the length and frequency of legislative sessions, including special sessions, should be removed and replaced by a provision that the Legislature have the authority to meet in annual session, with biennial organization, at such times and for however long it deems necessary (Recommendations No. 1 and No. 2 of this report). It also should remove the limitations on agendas for special sessions, and language should be added to authorize the Legislature to call itself into special session, and to determine by statute the means of conducting that call (Recommendations No. 4 and No. 5).

Recommendation No. 6, calling for an automatic veto session, would require additional constitutional language. On the questions of salaries (Recommendations No. 7 and No. 8) the language of the recommendations specifies that the only provisions concerning compensation in the Constitution should be to provide authorization for the Legislature to establish levels of compensation for all state officials.

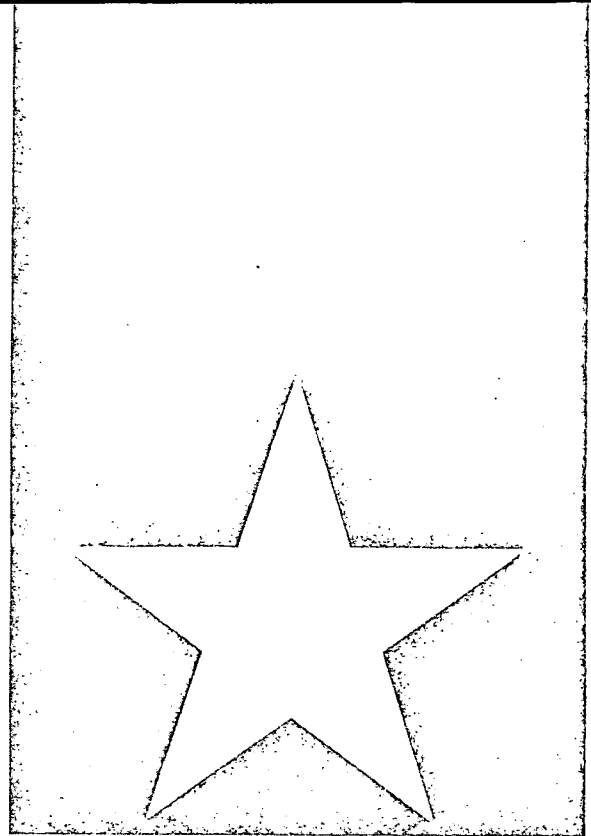
Additional constitutional language may also be needed to establish the pre-session organization session and the requirement that members take office within two to three weeks after election (Recommendation No. 9).

Most of the other recommendations offered in this report can be implemented through

statute or rule, with two exceptions: Recommendation No. 31, which calls for authorizing introduction of revenue measures in either house, would require removal of Section 33 of Article III of the Constitution, and Recommendation No. 80, which calls for single member districts, should be established through constitutional language providing that no district shall have more than one representative.



At the convention which met in Philadelphia in 1787 to design the national government, the participants drafted a document that is still remarkable in its simplicity and brevity. It is also remarkable that, through nearly 200 years of this country's history, that document has withstood stresses and strains that might have invalidated any more complex organization plan. Other state conventions meeting in the recent past have concluded that the simple design given the United States by that early convention is still a design for the kind of government that works best.



A New Order of Business

In presenting the recommendations in this report, we recognize that reasonable men and women may justifiably differ in their concepts of the best ways to improve governmental operations. It is worth noting again, however, that in the attitude survey conducted as a part of this study, 98 per cent of the members interviewed believed that improvement in legislative operations in Texas is necessary.

With that degree of support from among members of the House, and with the recent history of legislative improvement in Texas, implementation of improvement recommendations such as those made here should not be difficult. Also, these recommendations are not the result of, nor built on, a series of textbook theories. The Citizens Conference on State Legislatures has spent eight years in non-partisan research and development programs working with more than thirty state legislatures. Based on this experience and a program of evaluating and observing the state legislatures of all 50 states, the CCSL has discovered methods of legislative improvement which are actually operational. They can work. They do work elsewhere, and Texas can take advantage of this prior experience in designing its own procedures and operations — perhaps not today, but certainly tomorrow.

Legislative improvement in the Texas House will neither begin nor end with these recommendations. The suggestions made here can substantially enhance the present operations and capacities of the House. Even if these recommendations are adopted, however, there will still be much more to do. If improvement is the goal, the agenda will always contain a new order of business.

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